

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2696 OF 2023

Bhagvat Shivrul Gaikwad ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Sugandh Deshmukh, for the Applicant
Ms. Anamika Malhotra, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 20, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 285 of 2023 registered at Yeola City police station for the offences punishable under sections 386, 388, 364-A, 420, 166, 167, 506 read with 34 of Indian penal Code, 1860 and section 3 read with 35 of Arms Act, 1959.
3. The applicant is the Sub-Registrar before whom the instrument was executed.
4. When the application was listed before the Court on 25th September, 2023 this Court had granted interim bail observing inter alia, as under:-

4] Prima facie the allegations are of abducting and forcing the first informant and the other executants to execute the instrument. The role attributed to the applicant appears to be that of not conducting

necessary enquiry in the matter of registering the instruments. The question as to whether the applicant was a privy to the alleged offences is a matter for investigation. Prima facie, the applicant seems to have registered the instruments in discharge of his official duties and in conformity with the standard procedure.

5] I am, therefore, inclined to protect the liberty of the applicant while directing him join in the investigation.

5. The learned counsel for the applicant submits that the applicant has appeared before the investigating officer and cooperated with the investigation.

6. The learned APP submits that post completion of investigation charge sheet has been filed.

7. In view of aforesaid development and the reasons which weighed with this Court in granting the interim bail and the fact that the applicant being a public servant, the possibility of fleeing away from justice seems remote, I am inclined to make the order of interim bail absolute.

8. The order of interim bail dated 25th September, 2023 is made absolute on the terms and conditions incorporated therein.

9. In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

10. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)