

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3596 OF 2022

Prashant Bharat Mali ...Applicant

Versus

State of Maharashtra ...Respondent

None for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent-State.

Mr. Rushikesh Kale for the Complainant (1st Informant).

CORAM : S. M. MODAK, J.

DATE : 17th APRIL, 2023

P.C.

1. Heard learned Advocate for the first informant and learned APP for the Respondent-State.

2. There is an Affidavit filed by the first informant-Ranjeet Gangadhar Kodgyade. He has affirmed that he was called on 23rd September 2022, under the pre-text of some civil work by one unknown accused on mobile and after reaching the spot, he was assaulted by five unknown persons by weapons. He has further affirmed that the Police have arrested some unknown

accused persons and, in the identification parade, he has identified some of them. So far as, involvement of present Applicant is concerned, he has affirmed that due to some misunderstanding, the name of the Applicant was disclosed by the Police. He has categorically stated that the Applicant was not present on the spot and he has not assaulted in any way.

3. Learned Advocate for the Applicant is having some personal difficulty as submitted by the learned Advocate for the first informant.

4. In order to ascertain, whether custodial interaction is required, I have heard learned APP. According to him, even though there is no involvement of present Applicant as stated by the first informant, he has submitted that one more witness was present along with the first informant. So, the prosecution intends to conduct identification parade. So far as this Applicant is concerned, it has to be verified from that witness about involvement of this Applicant.

5. I have read the papers. Charge-sheet is filed against in all five persons and as per the first informant, six persons were

involved. Two persons came on Pulsar motorcycle, whereas the four persons came in one auto rickshaw. Both these vehicles are seized. All the assailants/dacoits were not known to the first informant, earlier to the incident. There is allegation that the first informant was robbed of Rs.7,000/- cash and he was on the scooter, that scooter was not taken away but he was robbed of the key of that scooter. Out of Rs.7,000/-, an amount of Rs.3,400/- is seized.

6. There is no specific allegation in the F.I.R. as to which of dacoits have exactly committed which role. They have been described by the clothes and other description. So considering the manner which the dacoity has taken place and considering the investigation so far carried out and considering the fact that the first informant has categorically stated that the Applicant is not involved, I am inclined to confirm the interim protection granted on 5th January 2023. Even for conducting identification parade, law does not warrant custody/arrest. Hence, the following order is passed:-

ORDER

(i) The interim protection granted on 5th January 2023 is confirmed.

(ii) Applicant to continue to give attendance to the Hill Line Police Station on every Saturday from 10.00 a.m. to 12.00 noon until filing of charge-sheet.

(iii) Applicant not to threaten the prosecution witnesses or to allure them in any manner.

7. These are my prima facie observations and the trial Court may not be influenced by that.

8 Application is disposed of in the aforesaid terms.

9 All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]