

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2706 OF 2023

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SUBHASH
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Suresh Jaywant Gaikwad and Anr. ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr. Aniket Nikam a/w. Mr. Pratik Jadhav, for the Applicants.
Mr. H.J. Dedhia, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 18, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No.731 of 2023 registered at Sangola police station for the offences punishable under sections 354, 452, 354-A and 354-B of Indian penal Code, 1860 (the Penal Code).
3. By an order dated 26th September, 2023 this Court was persuaded to grant interim protection observing, inter alia, as under:

6] Prima facie, FIR in respect of the incident dated 15 August 2023 came to be lodged on the night intervening 16 and 17 August 2023. Whereas, FIR in respect of the alleged incident in question dated 15 August 2023 came to be lodged subsequently on 17 August 2023 at about 4.00 p.m. The developments in the intervening period as reflected in the FIR No.271 of 2023 wherein serious allegations are made against the husband of the first informant, make out a prima facie case in favour of the applicants. I am, therefore, inclined to protect the liberty of the applicants by directing them to join in the investigation.

4. The learned counsel for the applicants on instruction submits that the applicants have appeared before the investigating officer and cooperated with in the investigation.

5. Having regard to the nature of occurrence, the element of probability of the prosecution case would warrant consideration at the trial. At this length of time, the Court does not find any propriety for further custodial interrogation of the applicant. I am therefore, inclined to make the order of interim bail absolute.

Hence, the following order.

ORDER

1] The order of interim bail dated 26th September, 2023 is made absolute on the terms and conditions incorporated therein.

2] In addition, the applicants shall regularly attend the proceedings before the jurisdictional Court.

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

(N. J. JAMADAR, J.)