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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1476 OF 2023**

1. Prashant Vyankatrao Hiray
 2. Dr. Apoorva Prashant Hiray
 3. Dr. Advay Prashant Hiray
 4. Rajesh Shashikant Shinde
- ... Applicants

vs.

The State of Maharashtra through P.I.,
Satana Police Station, Satana, Tal. Satana,
District: Nashik.

... Respondent

**WITH
INTERIM APPLICATION NO. 2252 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 1476 OF 2023**

Bharat Atmaram Ahire

... Applicant

vs.

The State of Maharashtra and Ors

... Respondents

Mr. S.S. Patwardhan i/b. Ajay Raje Nimbalkar, for Applicants.

Mr. Amar Bodke, for Complainant.

Mr. B.V. Holambe Patil, APP for the State.

CORAM : GAURI GODSE, J.

DATED : 8th APRIL 2024

P.C. :-

1. This Application is filed seeking pre-arrest bail in connection

with C. R. No. 171 of 2023 dated 30th March 2023, registered with Satana Police Station, District Nashik(Rural) for alleged offences punishable under Sections 34 and 420 of the Indian Penal Code. Anticipatory Bail Application filed by the Applicants before the Additional Sessions Judge, Malegaon, Nashik is rejected on 12th May 2023. Hence, this application was filed.

2. By order dated 19th May 2023, ad-interim protection was granted to the applicants on the conditions as recorded in the said order.

3. Learned counsel for the applicants submits that the investigation is completed and the final report is filed on 12th December 2023, under section 169 of the Cr.P.C. before the learned Magistrate. He thus, submits that interim protection granted by way of ad-interim relief on 19th May 2023, be made absolute.

4. Learned APP does not dispute the statement made on behalf of the applicants. He submits that the final report is filed under section 169 of Cr.P.C. after the completion of the investigation. He submits that no material was found against the applicants. The complainant's statement was recorded under section 164 of Cr.P.C. The complainant in his statement has stated that he has no grievance against the applicants. Considering the statement of the

complainant and since no material was found against the applicants during the investigation, a report is submitted under section 169 of Cr.P.C before the concerned Magistrate. Learned APP further submits that in view of the investigation being completed and report being filed, the ad-interim protection granted by order dated 19th May 2023, may be confirmed, subject to conditions that the applicants shall attend the concerned police station as and when called for and comply with further directions if any, issued by the learned Magistrate.

5. I have perused the papers. Perusal of the complaint indicates that the allegations are regarding payment of certain amount for securing employment. Learned APP has placed on record the copy of the report which is submitted before the learned Magistrate.

6. Perusal of the report dated 12th December 2023 filed under Section 173 of CR.P.C. indicates that the investigation is complete and there is no material found against the applicants. Hence, the final report is filed reserving the right under Section 173(8) of Cr.P.C. The report also records that the complainant's statement under section 164 of Cr.P.C is recorded and he has stated that he has no grievance against the applicants. Hence, the report further refers to section 169 of Cr.P.C. stating that no material was found against the

applicants.

7. Learned Counsel for the Complainant/Intervenor does not dispute the aforesaid submissions.

8. In view of the aforesaid facts and circumstances, custodial interrogation of the applicants is not necessary. Hence, the ad-interim protection granted by order dated 19th May 2023, is made absolute by passing the following order:

I. In the event of arrest of the Applicants in connection with C. R. No. 171 of 2023 dated 30th March 2023, registered with Satana Police Station, District Nashik(Rural) for alleged offences punishable under Sections 34 and 420 of the Indian Penal Code, they be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount.

II. Applicants shall attend the concerned police station as and when called for by the Investigating Officer.

III. Applicants shall not directly or indirectly make any inducement, threat or any promise to any person acquainted with the facts of this case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

IV. The Applicants shall keep the Investigating Officer

informed of their address, e-mail id and mobile phone number and/or any change thereof if any, from time to time.

9. Anticipatory Bail Application is allowed in the above terms.

10. In view of the aforesaid order, the Intervention Application stands disposed of.

(GAURI GODSE, J.)