

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1475 OF 2023**

Apoorva Prashant Hiray ... Applicant

vs.

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 2248 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 1475 OF 2023**

Sachin Dhondu Ahirrao ... Applicant

vs.

The State of Maharashtra and Anr ... Respondents

Mr. S.S. Patwardhan i/b. Akshay Hardas, 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. 198 of 2023 dated 10th April 2023, registered with Satana Police Station, District Nashik(Rural) for alleged offences punishable under Sections 420 and 34 of the Indian Penal Code. Anticipatory Bail Application filed by the Applicant before the Additional Sessions Judge, Malegaon, Nashik was rejected on 1st August 2022. 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 applicant. 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 applicant. 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 applicant. Considering the statement of the complainant and since no material was found against the applicant 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

applicant 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 final 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 applicant. 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 applicant. Hence, the report further refers to section 169 of Cr.P.C. stating that no material was found against the applicant.

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 applicant 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 Applicant in connection with C. R. No. 198 of 2023 dated 10th April 2023, registered with Satana Police Station, District Nashik(Rural) for alleged offences punishable under Sections 34 and 420 of the Indian Penal Code, he 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. Applicant to attend the concerned police station as and when called for by the Investigating Officer.
 - III. Applicant 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 Applicant shall keep the Investigating Officer informed of his 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.)