

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1387 OF 2023

Ashish Anand Patil ...Appellant

vs.

The State of Maharashtra and Anr. ...Respondents

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|---------------------------------------------|----------------------------------|
| Mr.Nandu Phadke i/b. Mr.Amol A. Deshpande:- | Advocates for Appellant.         |
| Mr.H.J.Dedhia:-                             | APP for Respondent No.1 – State. |
| Mr.Kanaad Aphale:-                          | Advocate for Respondent No.2.    |
| Mr.Vikas Subhash Saraf(P.C.):-              | Pune City.                       |

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CORAM : S. M. MODAK, J.

DATE : 6<sup>th</sup> MAY 2024

P. C. :-

1. Learned APP submitted a report given by the Assistant Commissioner of Police – Vishrambag – Pune informing that during their investigation, they have found the FIR as false and they are going to submit a report to the superiors by treating the FIR as “*B Summary Report*”. It is taken on record and marked as Annexure-X.

2. Learned Advocate Shri.Phadke submitted that let the interim protection granted by this Court will be made absolute.

3. Learned Advocate for the First-Informant submitted that the Court of Additional Sessions Judge while refusing an anticipatory bail has opined about *prima facie* case and there are statements of witnesses as the incident took place at public place. He placed on record a copy of NC complaint bearing 157 of 2024 registered with Deccan Police Station on 27<sup>th</sup> April 2024 against one Sagar Chintamani Panchal who is friend of the Appellant. He submitted that the trial Court is required to issue a notice to the First-Informant and they have got a right to oppose “*B Summary Report*”.

4. Even though it will be true that there are statements recorded by the Police and they are considered by the trial Court while refusing the bail, however, the Police by considering the entire evidence in totality including the C.C.T.V., footages, have come to this conclusion. Ultimately, while deciding the Appeal, the conclusion drawn by the Police needs to be considered. It is very well true that the final decision on this “*B Summary Report*” will be taken by the concerned Court of Additional Sessions Judge. This new development persuades need to

confirm an '*interim protection*' granted by this Court on 19<sup>th</sup> December 2023. It is for the reason that yet the Court of Additional Sessions Judge has to accept their "*B Summary Report*". It may happen that Court may accept or may not accept. In any eventuality, the '*interim protection*' needs to be confirmed, because, there should not be a situation wherein the Appellant is required again to rush to the Court, if the trial Court will refuse to accept the "*B Summary Report*".

5. In view of that, following order is passed:-

### **ORDER**

- (i) The '*interim protection*' granted on 19<sup>th</sup> December 2023 is confirmed.
- (ii) The Appellant to co-operate the trial Court in conduct of remaining proceedings.
- (iii) The trial Court is at liberty to take appropriate decision if "*B Summary Report*" is submitted after following the procedure.
- (iv) The First-Informant also to co-operate the trial Court while taking appropriate decisions.

6. Appeal is disposed of accordingly.

**[S. M. MODAK, J.]**