

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1643 OF 2024

Omkar Sunil Waikar

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Narayan Sitaram Pawar, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. Hanumant b. Bhosale, PSI, Chaturshrungi Police Station Pune.

CORAM : MANISH PITALE, J.

DATE : 30th August, 2024.

P. C. :

1. Heard, Mr. Pawar, learned counsel for the applicant and Mr. Shinde, learned APP for the State.

2. On 26.07.2024, this Court granted the interim order in favour of the applicant and in paragraph no.3 observed as follows :

“3. *Although the learned APP has opposed relief in the present application, this Court is inclined to grant interim order for the following reasons:-*

- a. *The applicant had caused FIR No.0269 of 2024 dated 25.03.2024 to be registered against the husband of the informant in the present case and two other persons. In the said FIR, the statement of the applicant shows that according to him, the husband of the informant in the present case along with two other persons had*

entered his house and assaulted him. This was in the backdrop of the claim of the accused persons in that case that the applicant had looked at them in an aggressive manner, which was not liked by them.

- b. The FIR concerning the present application, wherein the applicant is the sole accused person, shows that according to the informant on 25.03.2024, the applicant had acted in a particular manner, which outraged the modesty of the informant. The subject FIR is subsequent to the aforesaid FIR registered at the behest of the applicant. Being a case of cross FIR, prima facie it appears to be a case of counter blast.*
- c. The applicant does not have any criminal antecedents and he is ready to co-operate with the investigation.”*

3. As a condition for granting interim order, this Court had directed the applicant to appear before the Investigating Officer on 29.07.2024 and thereafter as and when called by the Investigating Officer.

4. The learned APP informs this Court that the applicant has co-operated with the investigation and he has appeared before the Investigating Officer on three occasions.

5. As noted in the above quoted portion of the order dated

26.07.2024, this is a case of cross FIRs and *prima facie* it appears that the subject FIR has been registered as a counter blast to the earlier FIR, which was registered at the behest of the applicant himself.

6. Considering the entire set of circumstances and the fact that the applicant has co-operated with the investigation, the interim order dated 26.07.2024 is confirmed and the present application is allowed. The applicant shall continue to co-operate with the investigation and he shall not influence the informant, witnesses or any other persons concerned with the case.

7. The application is disposed of.

(MANISH PITALE, J.)