

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1679 OF 2024

Kirtikumar Bhivlal Lilare	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi (through V.C.) a/w Ashish R. Kachole i/by Yash Fadatare for the Applicant.

Ms. Rutuja A. Ambekar, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 30th SEPTEMBER 2024**

P.C. :

. In this application, on 27th June 2024, this Court had granted interim order in favour of the applicant.

2. The applicant was directed to remain present before the Investigating Officer on 1st July 2024 and thereafter, as and when called by the Investigating Officer. The learned APP, on instructions, submits that the applicant has remained present before the Investigating Officer and he has cooperated with the investigation.

3. While granting interim order in favour fo the applicant, this Court had observed in order dated 27th June 2024 as follows :

“6. Having heard the learned counsel for the applicant and the learned APP and upon perusal of the statement of the

informant, which led to registration of FIR, this Court is of the opinion that the applicant cannot claim that his role was limited to assaulting the informant by his hands and that beyond doing such an activity, he had no other role to play. The statement of the informant clearly shows that the applicant alongwith the co-accused Shamling, assaulted the informant by hands, held him from both sides and thereupon, the co-accused Harshal took out a gun and fired at the informant. Prima facie, it appears that the applicant was involved in ensuring that the informant was restrained, so that the co-accused person could fire gun shots at the informant.

7. *But, this Court cannot be oblivious of the health condition of the applicant. The documents on record indeed show that he suffered the bullet injury in his neck. The documents on record show entry and exit wounds and the fact that the applicant had to undergo surgery.*
8. *Certificate issued by the doctor on 13.06.2024 states that the applicant may need to undergo further surgery. In this situation, while keeping the present application pending, this Court is inclined to grant interim relief to the applicant.*
4. The aforesaid reasons hold good for favourably considering the present application. Therefore, this Court is inclined to confirm the interim order and allow the present application.
5. In view of the above, interim order dated 27th June 2024 is made absolute and the application is allowed.
6. The applicant shall continue to cooperate with the investigation. He shall remain present before the Investigating Officer, as and when called by the Investigating Officer. He shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

7. At this stage, the learned APP informs that the first informant as well as the applicant are from the same area and therefore, an appropriate condition may be imposed.

8. In that light, it is directed that till filing of charge-sheet, the applicant shall not enter the jurisdiction of Chikhali Police Station, Dist. Pimpri-Chinchwad, except for abiding by the condition, as directed above in paragraph 6.

9. The application is disposed of.

MANISH PITALE, J.