

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

ANTICIPATORY BAIL APPLICATION NO. 1869 OF 2024

Ashok @ Ashokkumar Nanu Rathod	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Shailesh S. Kharat for the Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Amol P. Kasbekar, Head Constable, Vadgaon Maval Police
Station, Dist. Pune.

**CORAM: MANISH PITALE, J.
DATE : 1st AUGUST 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No. 0139 of 2024 dated 2nd March 2024 registered at Vadgaon Maval Police Station, Dist. Pune, for offences under Sections 363, 365 and 170 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant stated before the Police that in the intervening night of 1st March 2024 and 2nd March 2024, some unknown persons came to her house and forcibly took away her husband and thereafter, he was beaten and made to sign some documents before a Notary.

4. Eventually, five persons are arraigned as accused in the present case, including the applicant. The documents brought to the notice of this Court indicate that in the remand application also, the Investigating Authority indicated that accused Nos.1, 2 and 5 were the persons who reached the house of the victim during the course of the incident. The applicant is accused No.4.

5. In paragraph No.5 of the application, the applicant has made the following specific statement :

“5. The Applicant state that his bail has been rejected mainly on the ground that the Applicant was issued notice under section 41 (A) of Cr.P.C and he has attended the Police Station. It is submitted by the Applicant that as soon as he received notice u/s 41 (A) of CrPC the Applicant was taken in custody however considering his health he was not arrested and he was let go. Then he filed an Application for Anticipatory Bail before the Hon'ble Sessions Court as he was getting calls from Police and therefore it cannot be said that he was trying to avoid the police machinery. In fact he wanted to attend the police Station under the interim orders of the Hon'ble Sessions Court.”

6. It is further submitted that the applicant is a senior citizen, aged about 64 years and suffering from various health ailments and in that light, this Court may consider allowing the present application.

7. The learned APP submits that the investigation papers will have to be placed before this Court for considering the prayer made in the present application.

8. In view of the above, this Court is of the opinion that the applicant has made out a case for granting interim relief, while

time can be granted to the learned APP to produce the investigation papers on the next date of listing.

9. Accordingly, there shall be interim order in the following terms :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0139 of 2024 dated 2nd March 2024 registered at Vadgaon Maval Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 3rd August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall co-operate with the investigation.
- (c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

10. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

11. List this application for further consideration on 28th August 2024 (High on Board).

12. The learned APP shall keep the investigation papers ready for perusal of this Court.

MANISH PITALE, J.