

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1962 OF 2024

Mohd. Moazzam Arif ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
INTERVENTION APPLICATION NO.3077 OF 2024
(Not on Board. Taken on Board.)
IN
ANTICIPATORY BAIL APPLICATION NO.1962 OF 2024

Mr. Sharad Bhosale a/w. Mr. Prasad Helkar and Ms. Sushma Patil for Applicant.
Mr. Babu V. Holambe-Patil, APP for Respondent-State.
Mr. Dilip Shukla for Applicant-Intervenor in IA/3077/2024.
Mr. Rakesh Dilip Lohakare, Head Constable, Tulinj Police Station.

CORAM : MANISH PITALE, J.
DATE : AUGUST 07, 2024

P.C. :

1. After having heard the learned counsel for the applicant and the learned APP for the respondent-State, by order dated 26.07.2024, this Court had granted interim order in favour of the applicant. The applicant was directed to remain present before the investigating officer on 01.08.2024 and 02.08.2024 and also to co-operate with the investigation.

2. The learned APP, on instructions, submits that the applicant was indeed present before the investigating officer and that he has co-operated with the investigation.

3. While granting the interim order, this Court had taken note of the fact that the genesis of the allegations in the present case is a matrimonial discord between the applicant and the informant. It was further observed that the allegations against the applicant appeared to be general in nature and that before the FIR was registered, the informant

had initiated proceedings under the provisions of the Protection of Women from Domestic Violence Act, 2005.

4. Mr. Shukla, learned counsel for the intervenor opposes the prayer made in the present application.

5. This Court has perused the material on record. Considering the nature of offences as also the fact that the applicant has co-operated with the investigation, this Court is inclined to allow the present application and to confirm the interim order.

6. At this stage, the learned counsel for the applicant submits that now charge-sheet has been filed and the case has been assigned RCC No.1356 of 2024. In that light, he submits that this Court may consider waiving the requirement of the applicant reporting to the concerned police station. It is submitted that the applicant undertakes to co-operate with the trial Court.

7. In view of the above, the application is allowed and the interim order dated 26.07.2024 is confirmed. Since the charge-sheet is filed, the applicant is not required to report to the investigating officer or to the police station, but he shall co-operate with the trial Court in expeditious disposal of the case. The other conditions in the interim order shall continue to operate.

8. The anticipatory bail application is disposed of. It is made clear that this order shall not come in the way of remedies available to the informant in accordance with law.

9. In view of the disposal of the anticipatory bail application, nothing survives in intervention application and the same stands disposed of accordingly.

(MANISH PITALE, J.)