

3. The learned APP, on the other hand, has opposed the present application, submitting that specific role is attributed to the applicant and in the statement of the informant itself there is a

cogent explanation given as to why there is delay in registration of the FIR. It is further pointed out that there are other FIRs registered against the applicant and accused persons.

4. This Court, upon perusing the material on record, is inclined to allow the present application, for the following reasons :

- (a) There is considerable delay in registration of the FIR, as even according to the informant, the incident took place on 1st June 2023, while the FIR was registered on 1st September 2023.
- (b) The explanation sought to be given in the statement of the informant that delay occurred because when he went home after the incident, his mother told him not to report the matter because the co-accused Sachin Patil is a terror and that therefore, due to the incident he fell ill, *prima facie*, appears to be a tenuous explanation for the considerable delay in registration of the FIR.
- (c) The statement of the informant, leading to registration of the FIR, states that on the date of the incident, the informant had withdrawn amount of Rs.6,53,400/- from his bank account in the Bank of Maharashtra and that he was already having Rs.50,000/- cash. It is alleged that the said amount was forcibly taken away from the informant by the accused persons, including the applicant on the

date of the incident. But, perusal of the document at page 67, which pertains to the bank account of the informant, shows that on 31st May 2023 and even on 1st June 2023, the applicant had balance amount of only between Rs.21,360.92 to Rs.65,660.92/-. *Prima facie*, this does not match with the claim of the informant that on 1st June 2023, he withdrew amount of Rs.6,53,400/- from his account in the Bank of Maharashtra.

- (d) The co-accused persons have been arrested and released on regular bail.

5. In view of the above, the applicant has made out a case for granting relief, subject to the applicant cooperating with the investigation.

6. In view of the above, the application is allowed in the following terms :

- (a) In the event the applicant is arrested in connection with FIR No. 0289 of 2023 dated 1st September 2023 registered at Yeola City Station, Nashik Rural, for the offences under Sections 395, 323 and 506 of Indian Penal Code, 1860 (IPC) and Sections 3 and 25 of Arms Act, 1959, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 1st August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate 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 or any other person concerned with the case.

7. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

8. The application is disposed of.

MANISH PITALE, J.