

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2087 OF 2024

Bhajjulal Chunnilal Raikwar ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Mohan Anant Vishnu (through VC) for Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Pravin Narayanrao Kasbe, PSI, Uruli Kanchan Police Station, Pune (Rural).

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

P.C. :

. Heard Mr. Vishnu, learned counsel for the applicant and Ms.Bajoria, learned APP for the respondent-State.

2. On 16.08.2024, this Court granted interim order in favour of the applicant. In paragraph 6 of the said interim order, this Court recorded reasons as follows:-

“6. While keeping the present application pending, this Court is inclined to grant interim relief to the applicant for the following reasons:

(i) The applicant is a senior citizen, as aged about 63 years old. He is a retired railway personnel. There is nothing to show any criminal antecedents against him.

(ii) The applicant himself suffered 5 injuries on the date of the incident, one of which was to his eye. Although, all the five injuries have been classified as simple injuries, it cannot be denied that on the date of the incident, the applicant indeed suffered injuries.

(iii) In the investigation papers, a document pertaining to general diary details maintained by the concerned Police Station, shows that on 8th May 2024 at about 09:53 a.m., it is recorded that notice under Section 41A of the Cr.P.C. was issued to the applicant in the context of the incident in question. In the course of recording the said details, the diary entry shows that the applicant, who is an accused in the present case,

suffered injuries as he was assaulted by “some persons” on 7th May 2024. Since, it is the case of the applicant that he himself had first approached the Police with regard to his grievance of being assaulted in the backdrop of the alleged arrears of rent being demanded by him from the family of the informant, the aforesaid noting about “some persons” having assaulted the applicant on 7th May 2024, *prima facie* raises some doubt about the manner in which the Police attended to the grievance of the applicant, who was actually injured in the incident in question.

(iv) The applicant being a senior citizen has undertaken to cooperate with the investigation.”

3. This Court is informed that the applicant indeed remained present before the investigating officer on 19.08.2024 as directed in the interim order. His statement recorded on the said date is brought to the notice of this Court.

4. The learned APP has also submitted that the calls made on behalf of the applicant on the number ‘100’ on 07.05.2024 were transferred to the number ‘112’ and the record shows that the daughter of the applicant had claimed that certain miscreants had assaulted the applicant. It is submitted that the calls made on behalf of the informant in the present case would show that she had called alleging an attempt to rape in the present case.

5. This Court has perused the statement of the applicant as recorded on 19.08.2024. It divulges that on the date of the incident i.e. 07.05.2024, the police had actually reached the place where the incident had allegedly taken place. The police took the applicant for the treatment because he had suffered certain injuries, including injury to his right eye. Thereafter, the police let him go and directed him to appear on a particular date. It is to be noted that there is an injury certificate on record, showing that the applicant had indeed suffered injuries, including an injury to his right eye.

6. All these factors do indicate that the applicant did not avoid the process of law and even after the interim order was granted in his favour, he remained present before the investigating officer and co-operated with the investigation.

7. Considering the overall facts and particularly in the light of the reasons recorded in paragraph 6 of the interim order, quoted hereinabove, this Court is inclined to allow the present application.

8. In view of the above, the interim order dated 16.08.2024 is confirmed and the application is allowed, subject to the applicant continuing to co-operate with the investigation. The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.

9. The application stands disposed of.

(MANISH PITALE, J.)

Minal Parab