



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 ANTICIPATORY BAIL APPLICATION NO. 36 OF 2025

AKASH MAHADEO PONDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shelke Manoj Uttamrao
APP for Respondent/State : Mr. N.B. Patil
...

CORAM : ARUN R. PEDNEKER, J.
Dated : February 04, 2025

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with Crime No. 273/2024 dated 24.12.2024 registered with Bembli Police Station, District Dharashiv for the offences punishable under sections 75(2), 78(2), 351(2) of B.N.S. 2023.
3. This Court by order dated 27.1.2025 has granted interim protection to the applicant by observing the facts in para Nos. 4 and 5 and the reasons in para No. 6, which are as under :-

"4] The allegation against the applicant is that the applicant made a phone call to the informant and had use obscene words. Accordingly F.I.R. is registered against the applicant applying the aforesaid sections. The learned counsel for the applicant submits that he is not involved in the offence and that the allegations made are concocted.

5] Per contra, the learned APP and the learned counsel appearing for assist to PP submits that the applicant is a habitual person indulged in similar kind of offences.

6] The learned counsel further submits that the applicant will surrender his mobile phone and attend Police Station as

directed by this Court, for further investigation and custodial interrogation of the applicant is not required. He further submits that the maximum punishment for the above offences is of three years and the the applicant would attend the police station and co-operate with the investigation.”

4. The learned counsel for the applicant submits that after the order of interim protection the applicant has attended the police station and applicant have surrendered his mobile phone.

5. The learned APP submits that mobile phone is required to be sent to the forensic department for determination of the call details of the applicant.

6. Considering the above submissions that the applicant has surrendered mobile phone and maximum sentence provided for the aforesaid offence is three years and that the applicant has cooperated with the investigation by attending the police station, I deem it appropriate to confirm the interim protection granted on 27.1.2025.

7. In view of the above, the application is allowed and the interim protection granted on 27.1.2025 is confirmed on the following terms :

i] The applicant shall attend the police station as and when required.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. The applicants shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

ssc/