



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

45 ANTICIPATORY BAIL APPLN. NO.1577 OF 2024

SATISH HARISHCHANDRA BIRADAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr.S.S.Panale

APP for Respondent-State : Mr.S.P.Sonpawale

Advocate for Assist to P.P. : Adv.R.P.Adgaonkar h/f.

Mr.S.P.Katneshwarkar

...

WITH

CRIMINAL APPLICATION NO. 413 OF 2025

IN ABA/1577/2024

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10.03.2025

P.C. :

1] Heard. For the reasons stated in Criminal Application No.413/2025 for assisting to P.P., the same is allowed. Criminal Application is disposed of accordingly.

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

3] The applicant is apprehending arrest in connection with Crime No. 197/2024, registered at Udgir City Police Station, Dist. Latur, for the offence punishable under Sections 376 (2) (n), 406, 419, 420, 496, 120-B of the IPC.

4] This Court, by order dated 23.09.2024, has granted interim protection in favour of the applicant.

5] The learned counsel for the applicant submits that the allegation against the applicant is that the applicant cheated the informant as the informant had given 35 Tolas of gold and various amounts of money to the present applicant to be handed over to the co-accused. The informant has filed private complaint bearing Cri.M.A.No. 479/2023, under Section 200 of the Criminal Procedure Code, against the co-accused namely Sachin Wankhede, making similar type of allegations. In the said complaint, there is no whisper about the applicant committing any act of cheating and there are allegations against the co-accused no.1. He further submits that thereafter, on 19.07.2024, the present FIR is lodged against the applicant and co-accused. There is allegation against the accused no.1 as regards offence under Section 376 (2) (n) of the IPC. In the said FIR, the allegation against the applicant is that 35 Tolas gold and Fixed Deposits are handed over to the present applicant for giving Rs.40 lacs to the accused no.1. However, in her private complaint, she has not stated anything about the same. Therefore, the learned counsel submits that the applicant is not involved in the alleged crime and he has been falsely implicated in the said crime. The learned counsel further submits that in terms of interim order, the applicant has attended the concerned police station and has co-operated with the investigation.

6] Considering *prima facie* case and considering the statement of the informant on oath under Section 200 of the Criminal Procedure Code before the trial Court wherein the allegations are only made against the co-accused, so also, considering that in terms of interim order, the applicant has co-operated with the investigation, the interim protection granted by order dated 23.09.2024 stands confirmed, in the following terms :

i] The applicant shall attend the concerned police station on every Sunday between 10.30 a.m. and 1.30 p.m. till filing of the charge sheet.

ii] 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.

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

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

8] 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.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC