



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1002 ANTICIPATORY BAIL APPLICATION NO. 572 OF 2024

BAHUSAHEB RAMNATH KAKADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Jadhav Satej S.

APP for Respondents 1 & 2 : Mr. B.B. Bhise

Advocate for assisting APP : Mr. A.A. Pawar h/f. Mr. H.D. Deshmukh

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 29, 2025

PER COURT :-

1. Heard the learned counsel for the applicant, the learned APP for the respondents-State and Mr. A.A. Pawar h/f. Mr. H.D. Deshmukh, advocate assisting APP.
2. The applicant is apprehending arrest in connection with Crime No. 204/2024 dated 29.2.2024 registered with Newasa Police Station, District Ahmednagar for the offences punishable under sections 307, 324, 323, 504, 506, 143, 147, 148, 149 of I.P.C.
3. This Court by order dated 8.4.2024 has granted interim protection to the applicant and had directed him to remain present before the police station. The learned counsel for the applicant submits that the applicant has attended the police station and cooperated with the investigation as directed by this Court. The learned counsel submits that chargesheet in the matter is filed. The learned counsel for the applicant submits that the applicant has produced the CCTV footage, wherein at the relevant time the applicant was shown to be 30 k.m. away from the spot of incident and his presence is shown in the hospital. The learned counsel submits that along

with the chargesheet, police have filed pen drive wherein CCTV footage of the incident is recorded and in the transcript of the pen drive all other accused were seen, however, the applicant was not seen. The learned counsel therefore submits that his case stands fortified as he was not present on the spot of incident at the relevant time.

4. The learned APP has also not controverted the above factual submissions as regards transcript of CCTV footage on pen drive.

5. Considering that the submissions of the learned advocate for the applicant is not controverted by the APP, so also the applicant has cooperated with investigation and also considering the transcript of the pen drive in which the the applicant is not seen in the CCTV footage at the time of incident, I deem it appropriate to confirm the interim relief.

6. In view of the above, the application is allowed and the interim protection granted on 8.4.2024 is confirmed on the following terms :

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

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.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

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