



ORDER BELOW EXHIBIT 1
(Nitesh Narayan Rane Vs. State of Maharashtra)

1. The applicant has filed this application for regular bail under Section 439 of Code of Criminal Procedure in C. R. No.387/2021, registered at Kankavali Police Station, for offence under Section 307, 120-B r/w section 34 of Indian Penal Code.

2. Read application and the reply filed by learned S.P.P. at Exh.12 and the reply filed by the Investigating Officer at Exh.13. The informant has also appeared and filed written notes of argument Exh.08.

3. Heard learned counsel Shri. Satish Mane-Shinde and Shri. S. D. Desai for the applicant and learned S.P.P. Shri. Pradeep Gharat for the prosecution and the learned counsel Shri. Vikas Patil-Shirgaonkar for the informant on video conferencing. Perused the police papers.

4. The facts of the prosecution case in nutshell are as under:-

The applicant is a sitting MLA from Kankavali Constituency elected in the year 2014 and in the year 2019 on the ticket of Bharitya Janata Party. On the basis of the report lodged by Santosh Manohar Parab, R/o. Kankavali, C. R. No.387/2021 came to be registered for offence under section 307 and 120-B r/w 34 of I.P.C. It is the case of informant that he is a contractor by profession and a member of Ruling Shivsena Party. On 18/12/2021 at about 11.00 a.m. he was returning home by his

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Hero Shine motorcycle bearing No.MH-07/AF-3098 from Kankavali-Nardave Naka to Kanedi. He was hit by a silver colour Innova car having no number plate from behind near Sheetal Chinese Centre, Kanedi Road at Kankavali. Therefore, he fell down and the motorcycle fallen on his person. He was dragged to a distance of 15 ft., because of which he sustained injuries to his right hand. One unknown person alighted from the car, while the driver was sitting at the wheels. The said person asked him as to whether he is working for Mr. Satish Sawant (तू सतीश सावंत यांचे काम करतोस काय, बघतो तूला) and assaulted him by means of a knife (paper cutter) on right side of his chest. Therefore, he sustained injury. The said unknown assailant said himself that, the incident should be informed to Gotya Sawant and Nitesh Rane (गोटया सावंत आणि नितेश राणे यांना कळवायला पाहिजे). Then he made a call to someone and then fled in the car. The informant has given the description of the said unknown assailant and the clothes worn by him. Thereafter, he was taken to Sub-District hospital. The I.O. visited the hospital and recorded his statement and thereafter, the crime came to be registered against unknown accused.

5. In the course of investigation, the accused No.1 to 4 were found running away by the Innova car matching the description near Phonda Check Post. The accused No.1 Chetan Pawar, accused No.2 Karan Balasaheb Kamble, accused No.3 Anil Shankar Nakka, accused No.4 Karan Dattu Kamble, all are R/o. Pune, came to be arrested on 18/12/2021. The Innova car bearing No. MH-14/BX-8326 was seized. On 20/12/2021 accused No.5 Deepak Namdev Waghode was arrested. The

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accused Dnaynewshwar @ Mauli Digambar Devnur and Dheeraj Jadhao, R/o. Kharadi, Tal. Haveli were shown to be wanted in the crime. The Maruti Swift Desire and mobiles of the accused were seized. The weapons used in the offence has been recovered as per the disclosure statement of accused No. 2 Karan Kambale. According to I.O., in the investigation it was disclosed that the crime was committed as per the direction of wanted accused Dnyaneshwar @ Mauli and Dheeraj Jadhav for consideration of Rs.1 to 1.5 lakhs and they were paid Rs.20,000/-. Accused Dnayneshwar @ Mauli had sent the photograph of the informant to accused No.2 Karan Kamblen on whats-app. At the time of incident Dnaneshwar @ Mauli and Dheeraj Jadhav and accused No.5 Deepak Waghode had come by Swift Car bearing No. MH-12/NB-2591. They met together. Accused Dheeraj Jadhav had pointed out the house of informant for keeping watch on him. Accused No.2 Karan Kamble had made phone call to Dnyaneshwar @ Mauli and called him and thereafter, the tip was given in respect of the presence of the informant and thereafter the crime was executed. After execution of the crime the accused informed Dnyaneshwar @ Mauli by phone call that 'the work has done'. Accused Dheeraj Jadhao informed accused No.6 Sachin Satpure that 'the work has done' and to confirm the man. According to I.O., it was disclosed that accused Dheeraj Jadhao was in contact with accused No.6. There was mobile conversation between accused No.3 and 4 before the crime and after the crime. There were mobile calls on the day of incident from Dheeraj Jadhao to accused No.6 Sachin Satpute. Therefore, due to his involvement accused No.6 Sachin Satpute was arrested at Delhi on 26/12/2021. It was further disclosed that a conspiracy

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hatched with accused No.6 Sachin Satpute and the applicant on 28/08/2021 at Oros Phata in a Vanity van. At that time the applicant had informed accused No.6 that the informant is spreading misunderstanding amongst his followers about Rane family and he should be teach a lesson and accused No.6 was entrusted to assault and criminally intimidate the informant. The accused No.6 with the help of accused Dheeraj Jadhao and Dnyaneshwar @ Mauli has given effect to the object of the conspiracy by hiring the other accused. According to I.O. it was disclosed that the applicant had given a photo of the informant to accused No.6 Sachin Satpute. The place where the conspiracy was hatched has been disclosed as per section 27 of the Indian Evidence Act. According to prosecution, the offence was committed as per the directions of applicant and accused Gotya Sawant with the help of other accused.

6. Learned counsel for the applicant Shri. Satish Mane-Shinde has vehemently submitted that, the Hon'ble Supreme Court has permitted the applicant to make surrender before concerned Trial Court and apply for regular bail. The Hon'ble Supreme Court has also granted interim protection against arrest to the applicant for 10 days from 27/01/2022. The applicant appeared before this Court and filed bail application and submitted to the jurisdiction of the Court. Because of interim protection granted to the applicant for 10 days by the Hon'ble Supreme Court the applicant cannot be taken in custody. His physical appearance amounts to surrender. This Court being a Special Court is appropriate Court, hence, the applicant is entitled to file bail application. In support of his contention, he

placed reliance on the decision in *Sundeep Kumar Bafna Vs. State of Maharashtra and another, 2014 LawSuit (SC) 207* wherein it is observed that, appellant declined anticipatory bail- Apex Court granting four weeks time to apply for regular bail- High Court declining to accept the surrender and decline to entertain the bail holding that surrender could only be possible before Magistrate empowered under Sec. 167 Cr.P.C. to remand the accused-Held, Cr.P.C. doesn't prohibit surrender before Session Court or High Court and in cases the offence is punishable with Death or LI the powers of magistrate under Sec. 437 Cr.P.C. stand excluded-High Court was not justified in directing the appellant to appear before Magistrate.

7. In this judgment the Hon'ble Supreme Court has relied on the decision in *Niranjan Singh and another Vs. Prabhakar Rajaram Kharote and others, 1980 SCR (3) 15* wherein it is observed that, he can be in custody not merely when the police arrests him, produces him before a Magistrate and gets a remand to judicial or other custody. He can be stated to be in judicial custody when he surrenders before the court and submits to its directions.

8. Learned counsel for the applicant has relied on the decision in *Balkrishna Dhondu Raul Vs. Manik Motiram Jagtap, 2005 LawSuit (Bom) 373* wherein in Paragraph No.4 the Hon'ble Bombay High Court has observed that "in my opinion, however, there is no substance in the submission canvassed on behalf of the applicant before this Court. For, after this Court granted liberty to the respondent No.1 to surrender

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before the appropriate Court and apply for regular bail, if so advised, the respondent No.1 became liable to surrender before the Court before his prayer for bail could be considered. That does not mean that the respondent no.1 was obliged to surrender before the Court of J.M.F.C. and could not have surrendered before the Court of Session, Raigad at Alibag, which, indeed, was the Court competent to entertain the bail application in respect of the offences, which was punishable with imprisonment for life. On the other hand, if the respondent No.1 was to surrender before the Court of J.M.F.C. at Mahad, that Court could not have granted bail to the respondent, having regard to the nature of offence for which the respondent No.1 was being tried being punishable with imprisonment for life. In that sense, the Court of Session was the appropriate Court where the respondent No.1 could have surrendered before inviting the Court to consider his regular bail application. Viewed in this perspective no fault can be found with the order passed by the Sessions Court directing release of the respondent No.1 on provisional bail by order dated 8th February, 2005 as that Court assumed jurisdiction to pass such an order on the bail application moved before it by the accused upon surrendering before that Court.”

9. Learned counsel for the applicant further submitted that, the alleged weapon used is a paper cutter. The injury sustained to the informant was of simple in nature. The injury is not amount to grievous hurt. The injury is not on vital part of body. The informant was discharged on next day from the hospital. The informant has sustained only scratch injury,

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therefore, the offence under section 307 of I.P.C. is not attracted. The alleged weapon and other articles are already seized. The applicant was campaigner in the election of District Bank, Sindhudurg. He has been falsely implicated in this case due to political rivalry in order to curtail his campaign. Only two persons were in the Innova car, however the investigating agency arrested four persons without any link. A concocted story has been prepared. The involuntary statement of Satpute is taken to suggest that he met the applicant in a Vanity van. The said Vanity van was hired for Janashirvad Yatra by one party member from Mumbai. The applicant has replied the notice under section 91 of Cr.P.C. and gave information in respect of the owner of the Vanity van. The applicant is a MLA and not a person planning a conspiracy. In view of the District Bank elections in order to take revenge and curtail his popularity in the Konkan he has been falsely implicated due to suspicion. There is no necessity of custodial interrogation. The applicant had offered to produce his mobile on 24/01/2022. He has cooperated the investigating agency by visiting police station and giving necessary information. The calls of applicant's PA and Satpute cannot be connected with the applicant. There is no necessity of seizure of the Vanity van. The concocted story has been prepared against the applicant to falsely implicate him in this case. The applicant is ready to co-operate the investigating agency. The material is not sufficient to prove the charge. Therefore, he prayed for grant of regular bail to the applicant on necessary conditions.

10. Learned Counsel Shri. S. D. Desai for applicant has submitted that, the applicant had visited the police station as per

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the notice under section 91 of Cr.P.C. His statement was recorded on 24/12/2021. He had also visited 24, 25 and 26/01/2022 and gave information. In the notice under section 91 of Cr.P.C. three mobile phone numbers were noted. The first mobile number is not in use since seven years and the second mobile phone is not in use since 1 ½ years and the applicant had offered third mobile hand set to the I.O., but it was not seized. The applicant had handed over the passport and its xerox copy was taken and the passport was returned back. The applicant is not connected with the absconding accused and there is no evidence of any contact with them. Three cases are registered against the applicant in respect of public agitation. The elections of District Bank were declared on 31/11/2021. At the time of alleged conspiracy the elections of District Bank were not declared. Therefore, the record shows that the applicant has been falsely implicated in this case due to rivalry. Therefore, learned counsel for applicant prayed for grant of regular bail to the applicant.

11. Learned counsel for the applicant has also relied on the decision in **Rajkumar S/o. Jagannath Malviya and another Vs. State of Maharashtra and another, Criminal Appeal No.522 of 2021, decided on 22/12/2021** wherein it is observed that, doctors have classified these injuries as simple injuries. The injuries relate to wrists, forearm and elbow. At least from such injuries, prima facie, we cannot say that there was any intention to kill the complainants so as to attract the provisions of Section 307 of the IPC.

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12. Learned counsel for the applicant has also relied on the decision in *Wasi Ahmed Shaikh Vs. The State of Maharashtra, Anticipatory Bail Application No.3201 of 2021*, decided on 6/01/2022 wherein it is observed that, the injuries are simple in nature. The incident is old. Therefore, custodial interrogation of the applicant is not necessary.

13. The learned counsel for the applicant has also relied on the decision in *Miss. Harsh Sawhney Vs. Union Territory (Chandigarh Admn.), Criminal Appeal No.110 of 1978, decided on 20/02/1978* wherein it is observed that, two grounds have been mentioned on behalf of State, namely, the appellant's presence is necessary for making a search and recovery of certain documents. We do not think that the appellant has to be taken into custody for making a search of premises in her presence. This can be done without her being taken into custody. The other ground that is put forward is the appellant's presence is required by the police for interrogation in connection with investigation. We make it clear that the appellant shall appear for interrogation by the police whenever reasonably required, subject to her right under Article 20(3) of the Constitution.

14. Learned Special PP Shri. Gharat has vehemently submitted that, before filing bail application no notice was served to the prosecution. This Court cannot take cognizance unless the case is committed for trial. Before making application for bail under section 439 of Cr.P.C. the applicant should have been in custody. The applicant was not in any type of custody when the bail application was moved. By filing the application, the

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applicant wanted to take benefit under section 438 of Cr.P.C. and seeking bail in the event of his arrest. The anticipatory bail application filed by the applicant has been rejected by this Court on 30/12/2021. The anticipatory bail application filed by the applicant bearing ABA No.02/2022 before the Hon'ble High Court has been rejected on 17/01/2022. The applicant then filed Special Leave to Appeal (CRI) No.530/2022 before the Hon'ble Supreme Court. The Hon'ble Supreme Court pleased to reject his prayer of anticipatory bail by order dated 27/01/2022. Thus, the petitioner has already exhausted the remedy under section 438 of Cr.P.C. Making bail application while not in custody amounts to an anticipatory bail and the said remedy is not available to the applicant. Therefore, the bail application is not maintainable. Since the anticipatory bail application of the applicant has been rejected up to the Hon'ble Supreme Court, the custody of the applicant is required for just and proper investigation of the case.

15. He further submitted that, the Hon'ble Supreme Court has permitted the applicant to surrender before the concerned Trial Court and apply for regular bail. Therefore, making surrender before the Trial Court is condition precedent. For applying for regular bail he should have first surrender before the Court. If the condition is not complied, the bail application cannot be entertained. The interim protection granted to the applicant for 10 days is for breathing time for preparing himself for making surrender. The moment he files bail application his liberty for 10 days came to an end. Therefore, the applicant is required to be taken in custody first and forwarded to

the concern Magistrate for dealing with under section 167 of Cr.P.C.

16. He further submitted that, the facts in **Sundeep Kumar Bafna** (cited supra) are altogether different. In that case summons and warrants were issued against the accused. In this case the custody has not yet started. The decision in **Balkrishna Dhonduraul** (cited supra) is also not applicable to the present facts and circumstances of the case.

17. He relied on the observations of Hon'ble High Court in **ABA No.02/2022** in Paragraph No. 24, 25, 31 and 32 and submitted that, the Hon'ble High Court has rejected the anticipatory bail application of the applicant and the Hon'ble Supreme Court refused to interfere in the order of Hon'ble High Court. It means that the custodial interrogation of the accused is necessary for proper investigation of the offence which is the paramount consideration. The applicant has not submitted to the directions of this Court. Therefore, the application is not maintainable.

18. On merits learned Special PP has submitted that, the informant was dashed from back by the Innova Car. He fell down and his motorcycle was fallen on his person. Thereafter, the assailant assaulted him by means of knife on his chest i.e. on vital part of his body and caused injuries. There are five injuries on the person of the informant. All the accused who executed the crime are from Pune. There was no any enmity between the informant and the said accused. They were acting as per the

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directions of somebody. In the investigation it was disclosed that the accused were hired for consideration of Rs. 1.5 lakhs and an amount of Rs.20,000/- was paid. The applicant is the main accused for whom the incident was done. Prima facie, the involvement of the applicant has been shown. The applicant has not been falsely implicated due to political reasons. The applicant is the main conspirator and the custodial interrogation of the applicant is necessary for proper and effective investigation of the offence. The conspiracy was hatched in order to teach a lesson to the informant. The Innova car and the Swift car were captured in the C.C.T.V. Footage. The electronic evidence also shows the connection between the applicant and the other accused. Therefore, custodial interrogation of the applicant is necessary for proper investigation of the crime. Hence, learned Special PP prayed for rejection of the application.

19. Learned counsel for the informant has submitted that, the anticipatory bail application of the applicant has been rejected up to the Hon'ble High Court. The applicant has not filed an application for surrender. The application is filed in the nature of application under section 438 of Cr.P.C. The application is premature. Before entertaining an application under section 439 of Cr.P.C., the applicant should have been in custody and mere presence is not sufficient. The applicant has not acted as per the directions of Hon'ble Supreme Court. Therefore, he prayed for rejection of the application.

20. In the light of the above rival submissions, I have gone through the record of the case and the police papers. It is

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pertinent to note that, the applicant has not filed any specific written application for voluntarily making surrender before this Court preceding the bail application. Perusal of the bail application filed by the applicant it shows that, the applicant has merely filed a simplicitor application for regular bail under section 439 of Cr.P.C. The bail application is also totally silent about voluntarily making surrender before this Court. There is no whisper in the bail application that the applicant is voluntarily making surrender. According to learned counsel for the applicant, there is no necessity to take the applicant in custody since the Hon'ble Supreme Court has granted interim protection from arrest to the applicant for 10 days from 27/01/2022. Thus, absolutely there is no any specific written application by the applicant for voluntarily making surrender before this Court preceding the regular bail application under section 439 of Cr.P.C. so as to make an order for accepting his surrender and taking him in judicial custody. If the applicant makes voluntarily surrender by making appropriate application, he is required to be taken in judicial custody. Since this Court is not empowered to deal with the accused under section 167 of Cr.P.C., the accused requires to be forwarded to the concern J.M.F.C. to deal with as per the provisions of section 167 of Cr.P.C. and after compliance of the said procedure under section 167 of Cr.P.C., the application for regular bail can be entertained. But, no such written application for voluntarily making surrender has been filed in this case before filing the bail application. It appears that the applicant without undergoing custody/arrest, wanted to be released on regular bail. The applicant without going into custody cannot state that bail may be granted to him under section 439 of

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Cr.P.C. Therefore, the simplicitor application for regular bail without making a written application for surrender is not maintainable.

21. The learned counsel for the applicant has relied on the decision in *Sundeep Kumar Bafna* (cited supra). It is true that the accused can make surrender before the Court of Sessions. In the said judgment the accused had pleaded in writing that he be permitted to surrender to the jurisdiction of the High Court. In that case the accused had filed a specific written application for permission to surrender to the jurisdiction of the Court. Further, in that case the matter was committed to the Court of Sessions. This case is at the stage of investigation. Therefore, the facts in the present case are altogether different.

22. The learned counsel for the applicant has relied on the decision in *Balkrishna Dhondu Raul* (cited supra). In that case the accused had surrendered before the Sessions Court and thereafter, the Sessions Court granted provisional bail to the accused and thereafter, the accused had appeared before the learned J.M.F.C. Thus, the facts in the present case are altogether different.

23. It is pertinent to note that, the applicant has filed ABA No.209/2021 before this Court. This Court has rejected the application for anticipatory bail by order dated 30/12/2021 on the ground that, “custodial investigation of the applicant is called for to recover Vanity van, mobiles and for confrontation of the applicant with the arrested accused.”

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24. It is pertinent to note that thereafter, the applicant preferred ABA No.02/2022 before the Hon'ble High Court. The Hon'ble High Court pleased to reject the anticipatory bail application filed by the applicant by order dated 17/01/2022. The Hon'ble High Court in the order in Paragraph No.24, 25, 31 and 32 has observed as follows:-

24. *“The incident had taken place on 18 December 2021, while the incident of catcall is dated 23 December 2021. It is after the incident of catcall and the declaration of the election to the said Bank that the Applicants in ABA No.2/2022 were called for interrogation on 24 December 2021, when after recording their statement they were allowed to go. Thus, the learned Special PP prima facie appears to be right that if, there was an intention to implicate these Applicants on account of the incident of catcall and the elections to the said Bank, they could have been arrested on 24 December 2021 itself. Prima facie it appears that according to the Investigating Officer, the complicity of these Applicants emerged after arrest of Sachin Satpute (A6) from Delhi on 26 December 2021 and his interrogation. The learned counsel for the Applicants had taken objection to the reliance placed on the statement of Sachin Satpute on the ground that it is not admissible being hit by Section 25 of the Evidence Act. In my humble opinion, a distinction has to be made between admissibility of a piece of evidence and material disclosed during interrogation of an arrested accused or a suspect, as an investigational aid/tool. Applicant No.1 is the local MLA and the accused, except the accused No.1 to 5 are the party workers or associates. According to the Investigating Officer, the Applicant No.1 had given the photograph of the injured to Sachin Satpute A6. It has transpired in the investigation that before the incident, A6 had sent a photograph of the injured to Dheeraj Jadhao. There is a message at 9.14 am on the day of the incident by which Dheeraj Jadhao had again asked A6 to send the photograph saying that the 'boys are ready'. Thereafter, Dnayaneshwar Devnoor had sent a photograph of the injured to accused Karan Kamble (A2) in the morning of the incident. It is necessary to note that A2 has been identified by the injured in the TI parade as the assailant. There are 65 calls between Sachin Satpute and Rakesh Parab, the Personal Assistant to Applicant*

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No.1. According to the Investigating Officer, the Applicant No.1 was using seven mobile phones and had also made calls from the mobile of his P.A. Rakesh Parab. Even assuming that the said calls were not made by Applicant No.1 the fact remains that they were from the PA of Applicant No.1. There are also certain calls between Rakesh Parab and Applicant No.2.

25. The prosecution is relying on the following circumstances to show the complicity of Applicant Nos.1 and 2 in the incident.

(i) The meeting between Applicant No.1 and Sachin Satpute on 28 August 2021 in a Vanity Van at Kankavali.

(ii) The statement by the injured that the assailant Karan Balasaheb Kamble (A2) after the assault took the name of the Applicants Nitesh Rane and Gotya Sawant.

(iii) The subsequent identification of Karan Kamble (A2) by the injured in a TI parade.

(iv) The alleged exchange of the photographs of the injured between Applicant No.1, Sachin Satpute (A6), Dheeraj Jadhao, Dnyaneshwar @ Mauli (WA3) ultimately leading to Karan Kamble (A2).

(v) The interrogation of the accused Sachin Satpute after his arrest on 26 December 2021.

(vi) The CDR showing the repeated contact between the accused and more particularly the PA of the Applicant no.1 and Sachin Satpute.

Prima facie, the cumulative effect of these circumstances has to be seen at this stage to decide on the plea for pre-arrest bail and need for custodial interrogation.”

31. It is necessary to note that the arrested accused Nos.1 to 6 and the accused Dheeraj Jadhao and Dnyaneshwar @ Mauli are all from Pune and it is in this context that it is claimed that the interrogation of the applicants is necessary to further investigate the conspiracy including the exchange of money, if any, as the accused Nos.1 to 4 were allegedly hired for the purpose. Thus, the custody is not sought only for the purpose of recovery of any article but also for interrogation which would be necessary. The Supreme Court in the case of Anil Sharma has held that “custodial interrogation is qualitatively more elicitation oriented than questioning a suspect, who is well ensconced with a favourable order under Section 438 of the Code of Criminal Procedure”. It is necessary to note that the Supreme Court has

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noted the decision in Anil Sharma in the Constitution Bench decision in Sushila Aggrawal's case.

32. *"The court in such a case is required to balance the conflicting considerations of personal liberty and a need for proper investigation in a larger societal interest. At this stage, in my considered view the proper investigation is the paramount consideration. Thus, I do not find that the Applicants in ABA No.2 of 2022 are entitled to pre-arrest bail."*

25. The Hon'ble High Court has observed that the custody of the applicant is not sought only for the purpose of recovery of any article but also for interrogation which would be necessary and the proper investigation is the paramount consideration.

26. It is pertinent to note that, the applicant has filed petition for **Special Leave to Appeal (Cri.) No. 530/2022** before the Hon'ble Supreme Court. The Hon'ble Supreme Court by order dated 27/01/2022 has pleased to observe as follows:-

"..... we see no reason to interfere with the impugned order passed by the High Court rejecting the anticipatory bail application preferred by the petitioner herein.

However, taking into consideration the facts and circumstances of the instant case, the petitioner is permitted to surrender before the concerned Trial Court and apply for regular bail.

If the petitioner surrenders before the concerned Trial Court and applies for regular bail, the same shall be considered and disposed of on its own merits and in accordance with law, expeditiously.

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For a period of ten days from today, interim protection against arrest is granted to the petitioner herein.

We make it clear that we have not expressed any opinion on the merits of the case and the same shall be decided by the concerned Trial Court."

27. Thus, the anticipatory bail application filed by the applicant has been rejected up to the Hon'ble Supreme Court, which means that the custodial interrogation of the applicant is necessary for proper and effective investigation of the case. There is no substantial change in circumstances since rejection of the anticipatory bail application filed by the applicant.

28. Perusal of the injury certificate of the informant it shows that, the informant had sustained five injuries including incise wound of 35 c.m. long x 0.8 c.m. deep on right side of chest and incised wound of size 18 c.m. x 0.3 c.m. on right side of chest. According to the informant first he was dashed by the Innova car. When he fell down with his motorcycle on his person, the assailant assaulted him by knife on his chest. According to the I.O. there was a conspiracy between the applicant, accused No.6 in order to teach a lesson to the informant and the other accused were hired to execute the object of the conspiracy. According to I.O. the applicant has given photograph of the injured to accused No.6 and thereafter, the other accused were hired and there were constant contact amongst them on mobile phone. According to I.O., the mobile phones of the applicant and the Vanity van are required to be

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seized and the custodial interrogation of the applicant is necessary to confront with other accused. Two accused are still absconding. There is possibility of economic dealing/exchange of money. Therefore, for effective investigation of the offence the custodial interrogation of the applicant is necessary. Furthermore, 11 criminal cases are shown to be registered against the applicant including offence against public servants. Therefore, considering the facts and circumstances of the case and the incomplete investigation, the custodial interrogation of the applicant is necessary. If the applicant is granted bail, the investigation will be hampered. The applicant has filed this application simplicitor for regular bail under section 439 of Cr.P.C. without filing written application for making surrender before Court. The application is premature hence, the application is not maintainable. Therefore, in the facts and circumstances of the case, the applicant is not entitled to grant of regular bail. Hence, the application deserves to be rejected. Hence, the order:-

ORDER

1. The application is rejected.
2. The application is disposed of accordingly.

SINDHUDURG
DATE – 01/02/2022

Sd/-
(R. B. ROTE)
ADDL. SESSIONS JUDGE,
SINDHUDURG.