

**Order below Exh. 1 in, Cri. Bail Application No. 300/2022**  
( Sanjaykumar Pandharinath Patil Vs. State )

By this application, the applicant seeks pre-arrest bail under section 438 of the Cr.P.C. from being arrested in complaint lodged by Sunil Bhimrao Bhise.

2. The learned counsel Mr.V.R. Deshpande for the applicant submits that,applicant is innocent person and he has been falsely implicated. The allegation leveled against him is that, he is paramour of the wife of the complainant which is absolutely false. To buttress his above submission, to grant protection, he relies upon “**Athar Badruzzama Khan vs. The State of Maharashtra, in Criminal Anticipatory Bail Application No. 1799 of 2018 dated 05.09.2018, High Court Bombay**”.

3. Learned APP Mr. R.M. Baghdane, by filing pursis (Exh.6) adopted say filed by I.O. (Exh.5) and strongly objected this application.

4. Perused record. It appears that, upon the complaint made by Sunil Bhise before learned 4<sup>th</sup> Chief Judicial Magistrate, Nashik, order u/s. 156(3) of the Cr.P.C., has been passed for the purpose of investigation. According to learned APP and I.O., Crime has not been registered so far. In the circumstances, the apprehension of arrest seems to be reasonable. In view of “**Athar Badruzzama Khan**” cited supra which is applicable in the present case, interests of the applicant may be protected and this application can be disposed of. Learned APP also acceded to the above principle of law to give 72 hours notice .In the result, I pass the following order.

**ORDER**

1. Criminal Bail Application No. 300 of 2022 stands disposed of.
2. In the circumstances, the respondent police station is directed that, in the event of FIR is registered and it intend to arrest applicant, 72 hours notice in writing shall be issued to applicant.
3. Inform the said order to the Investigating officer of the respondent.

March 10th, 2022.

( **S.T. Tripathi** )  
Additional Sessions Judge,  
Nashik.