

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Application No.996 Of 2015.

PADMAKAR S/O VANKATRAO KULKARNI.

VERSUS

THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Rahul M. Joshi, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

Coram : V.M. Deshpande, J.

Date : 25th March, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No. I 16/2015 registered with Satara Police Station, District - Aurangabad for the offences punishable under Section.s. 420, 471, 472 read with 34 of the Indian Penal Code.

[2] Heard Mr. Rahul M. Joshi, learned counsel for the Applicant and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged on 28th January, 2015 by Gorakh Nanarao Pawar. From the First Information Report, it is clear that the first informant was the accused in CR No.8/13

registered with Balapur Police Station for the offences punishable under Section.s. 420, 406 read with 34 of the Indian Penal Code. Further from the First Information Report itself it is clear that the offence in the present crime was occurred on 8th January, 2012 and the First Information Report is lodged on 28th January, 2015 i.e. after period of three years and no explanation for filing F.I.R. at such belated stage is given.

[4] Mr. Shinde, learned Additional Public Prosecutor submitted that the Investigating Officer has already seized various documents. Anticipatory bail is opposed on the ground for seizure of amount.

[5] Looking to the nature of accusation made in the First Information Report and looking the fact that offence is based on documents, which are already in the custody and possession of the Investigating Officer, custodial presence of the present applicant is not necessary.

[6] Worth to note that this court [Coram : T.V. Nalawade,J.] on 25th February, 2015 has specifically directed the learned Additional Public Prosecutor to inform the first informant about the pendency of present proceeding. Mr. Shinde, learned Additional Public Prosecutor upon instructions from the Investigating Officer has made a statement that the first informant is duly informed. In view of the order dated 25th February, 2015 first informant is duly informed about pendency of the present proceeding however, it appears no steps are taken by the first informant. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, applicant - PADMAKAR S/O VANKATRAO KULKARNI shall be released on anticipatory bail on he executing P.R. Bond of Rs. 5000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No. I 16/2015 registered with Satara Police Station, District - Aurangabad for the offences punishable under Section.s. 420, 471, 472 read with 34 of the Indian Penal Code.

(iii) The applicant shall attend the Satara Police Station, District - Aurangabad once in a week preferably on every Sunday between 3.00 p.m. to 4.00 p.m., till charge sheet is filed.

(V.M. DESHPANDE, J.)