

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1306 OF 2014**

Mr. Raju S/o. Natha Kapse

....Applicant.

Versus

The state of Maharashtra & Anr.

...Respondents.

Mr. Rishi Bhuta i/by Mr. Ashok M. Saraogi, advocates for the Applicant in ABA Nos.1322 and 1306 of 2014.

Ms. Veera Shinde, APP for the respondent-State.

Mr. P.D.Bagade i/by Mr. Sushil K. Chaurasia, advocates for the respondent no.2 .

I.O. Mr. Bajirao Rajaram Mohite, PSI attached to Tasgaon police station Dist. Sangli is present.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 17, 2015.

P.C.:

This is the second bail application for pre-arrest under Section 438 of the Criminal Procedure Code as the offence is registered against the applicant-accused under Sections 420, 465, 467, 468, 471 read with Section 34 of the IPC vide C.R.No.208/2013 at Tasgaon Police Station Dist. Sangli. This Court has earlier rejected application filed for pre-arrest bail bearing No.1443 of 2013 by order dated 10.1.2014. The said order was confirmed by the Supreme Court on 20.1.2014.

2 The learned counsel for the applicant submits that thereafter from January to October, 2014, applicant-accused paid entire amount to the complainant. Today the complainant is present and has no grievance against the applicant-accused. Therefore, on 7.10.2014, second anticipatory bail application is filed before this Court. He pointed out that the charge-sheet is also filed in between. He prays for anticipatory bail.

3 The learned prosecutor, while opposing this bail application ,submits that the charges are framed against the applicant-accused by the Judicial Magistrate First Class. Trial has begun and as of today 6-8 witnesses are examined. However, this accused has shown as absconding and he is wanted. It is informed by the learned prosecutor that the trial Court has issued proclamation against the applicant-accused and his property cannot be attached because there is no property standing in his name when the police inquired about it.

4 This is very shocking state of affairs where the accused files writ petition in the Court for quashing and remains present in the Court however, the Investigating Officer is unable to arrest him and put him behind the bars when this Court and the Supreme Court both have rejected his application for anticipatory bail. Applicant-accused continuously meets the complainant and he pays off the money still the

Investigating Officer does not know whereabouts of the applicant-accused. The trial Court has issued proclamation but it has proved to be fruitless. The applicant-accused has cheated not only the complainant but many persons. Applicant-accused has shown total disrespect towards this institution and the Investigating Officer has completely failed to produce the applicant-accused. The Superintendent of Police, Sangli is hereby directed to look into the matter personally and report immediately to the learned Judicial Magistrate First Class. The Superintendent of Police is directed to submit his report in respect of tracing the applicant-accused within 10 days ie. on or before 30.3.2015. The learned Judicial Magistrate First Class is hereby directed to communicate the said report to the Registrar (Judicial) of this Court through District Judge, Sangli.

(MRS.MRIDULA BHATKAR, J.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1322 OF 2014**

Mr. Raju S/o. Natha Kapse	Applicant.
Versus	
The state of Maharashtra & Anr.	...Respondents.

Mr. Rishi Bhuta i/by Mr. Ashok M. Saraogi, advocates for the Applicant in ABA Nos.1322 and 1306 of 2014.
Ms. Veera Shinde, APP for the respondent-State.
Mr. P.D.Bagade i/by Mr. Sushil K. Chaurasia, advocates for the respondent no.2 .
I.O. Mr. Bajirao Rajaram Mohite, PSI attached to Tasgaon police station Dist. Sangli is present.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : March 17, 2015.**

P.C.:

The superintendent of police is hereby directed to look into this particular matter personally as there is one application for anticipatory bail, which is now allowed to be withdrawn.

(MRS.MRIDULA BHATKAR, J.)