

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
ANTICIPATORY BAIL APPLICATION NO.43 OF 2015

Shailesh Sudhakar Bhave ... Applicant

Vs

The State of Maharashtra ... Respondent

WITH
APPLICATION NO. 54 OF 2015
IN
ANTICIPATORY BAIL APPLICATION NO.43 OF 2015

Ms Anuprita Shailesh Bhave ... Intervener
in the matter between

Shailesh Sudhakar Bhave ... Applicant

Vs

The State of Maharashtra ... Respondent

Mr. R. V. Gupta for the Applicant

Mr. S.H. Yadav, APP, for Respondent -State.

Mr. S.T. Markandeya for the Intervener, present.

CORAM: P.D. KODE, J.

DATED: FEBRUARY 6, 2015.

PC:

For the detailed reasons mentioned in the order dated 13.1.2015 ad-interim pre-arrest bail has been granted to the Applicant. In pursuant to the notice of the application served the prosecution has filed its say.

2. Learned APP has submitted that since amount of Rs.10,13,000/- is yet to be recovered from the Applicant the ad-interim pre-arrest bail may not be confirmed. It is his submission that custodial interrogation of the Applicant for recovery of said amount is necessary.

3. Perusal of the FIR which has been registered for the offences under sections 406 and 498-A of the IPC and papers of investigation prima facie does not reveal the element of entrustment warranting applicability of section 406. Merely because of amounts are given by wife to husband same by per say would not amount an entrustment.

4. Having regard to it, the ad-interim direction given for the reasons recorded in the earlier order deserves to be and accordingly stands confirmed on earlier terms and conditions. It is clarified that it is open for the first informant -wife to take suitable proceedings in accordance with law for recovery of her property.

5. Application stands disposed of. However, the Applicant now shall attend on every alternate Monday and so also on the days he would be summoned by the I.O. for the purposes of investigation, until further order.

6. Liberty to the Applicant to apply for modification of order annexing a tangible material showing that the Applicant is working for a gain at Aurangabad.

7. In view of the disposal of the main application, intervention application also stands disposed of.

(P.D. KODE, J.)0