

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.327 OF 2015**

Suhasini Nandkumar Borade
Versus
The State of Maharashtra

....Applicant.
...Respondent.

Mr. Harshad Eknathrao Palwe, advocate for the Applicant (consent obtained).

Mr. Prashant M. Patil, earlier advocate for the applicant present.

Mr. D.P.Adsule, APP for the respondent-State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 24, 2015.

P.C.:

This is the second bail application. Earlier bail application by this applicant-accused bearing no.683 of 2014 was allowed to be withdrawn and no liberty was sought and granted at that time to file another application, which was necessary as this Court in its paragraph 2 while allowing to withdraw has made following observations:

“2. Earlier, this Court had expressed a view that the application is going to be rejected on merits. However, in view of the above, application is allowed to be withdrawn and dismissed as such. Criminal application for intervention also stands dispose of.”

Though in the present application in ground no.3 there is a mention that this Court has allowed to withdraw the same and there is reference to the order of this Court, the fact is that the Court has expressed that the Court is going to reject the application is not mentioned. Only half truth which is favourable to the accused is placed before this Court, and the remaining half truth, which is against the accused, is suppressed by the learned counsel, Mr. Prashant Patil, who drafted the application. Though the said order of this Court is annexed, it was necessary for the learned counsel to mention all the facts in the grounds. This smells of suppressio veri. Thereafter, the learned counsel was asked to file affidavit, which he has filed and has tendered unconditional apology. The trial Court has issued proclamation, which is also not mentioned in the application. His contention that proclamation proceedings was not mentioned as the papers were not handed over to him is difficult to accept.

2 Be that as it may, on the change of circumstance, the submissions of the learned counsel for the applicant-accused, who is now appearing that now he came across two documents and accordingly, he has amended the bail application, are also found baseless. The learned counsel submitted that these two documents Ex.'D' and 'E' disclose that the complainant was in habit of purchasing property in reservation. It is to be noted that this is not a issue in this case. The applicant-accused along with her husband are facing the charges of

fraud, forgery and cheating. It is to be noted that the husband of the applicant-accused Nandkumar Borade was a senior clerk in the office of the Deputy Registrar, Solapur. He has deceived many persons by using a particular modus operandi. Considering he was a Government servant, this offence is much graver. There is no change of circumstance.

3 Hence, I reject the application. I find it is necessary to note that it is surprising that the offence is registered in December, 2013 and the husband, wife and brother , who are the prime accused, are not traceable to the police. It is high time for the Commissioner of police, Solapur to take note of the observations made by this Court and look into the matter and also to take note that the Magistrate's Court has issued proclamation against these three accused, who are continuously filing applications before this Court and yet not traceable to the police.

4 Commissioner of Police, Solapur to look into the matter.

(MRS.MRIDULA BHATKAR, J.)