

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.852 OF 2015

Shri Adinath Eknath Shinde ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.S.U. Dhakephalkar for the Applicant

Ms.Veera Shinde, APP, for Respondent – State

Mr.Siddharth S. Gadve i/b Vijay Killedar for complainant

Mr.A.B. Ahirrao, Investigating Officer / PSI, Yerwada police station, Pune - present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 22, 2015**

P.C.:

1. This application is moved by the applicant/accused that he be allowed to surrender before the Yerawada police station, Pune on such amount, terms and conditions as this Court may deem fit as proper in respect of C.R. No.38 of 2015 registered on 28.1.2015. This Court has rejected the application for pre-arrest bail of this accused earlier by its order dated 7.4.2015. The said order was challenged before the Supreme Court and the Supreme Court has confirmed the order on 1.5.2015. It is submitted by the learned Counsel for the applicant/accused that the applicant/accused did not thereafter surrender before the police because treatment of his wife for test tube baby was going on and so he was required with his wife. The said treatment, it is submitted, is going to be

over by 20th June, 2015 and, therefore, he did not surrender before the police.

2. Learned APP has opposed this application.

3. The prayer of the applicant/accused for allowing him to surrender before the police is a back-door entry of making an application for anticipatory bail. Once the Anticipatory Bail Application is opposed by the Prosecution and rejected by this Court, then, it is the duty of the Investigating Officer to take steps. If the Investigating Officer wants a particular accused to be arrested then, he should arrest that accused or if at all he thinks that the arrest is not required, he must take steps and state reasons accordingly.

4. In view of the above, the application is rejected.

(MRS.MRIDULA BHATKAR, J.)