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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.901 OF 2015.

Sharad Govind Bajrao

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Hemant S. Deshpande for Applicant.

Mr. Srikanth Yadav, APP for Respondent-State.

Mr. V.A. Kambli, A.S.I. Present.

Mr. Shailesh S. Deshmukh, son of Complainant-Sakharam N. Deshmukh
present in person.

CORAM: A.S. GADKARI, J.

DATE : 29th July 2015.

P.C.

1 This is second Application for Anticipatory Bail filed by the applicant. This matter is placed before me in pursuance of the directions given by the Co-ordinate Bench by its order dated 20th July 2015.

2 Heard the learned Counsel for the applicant and the learned APP for the State.

3 By an order dated 22nd May 1015, I had dismissed the Anticipatory Bail Application of the applicant herein by a speaking order.

In the said order dated 22.5.2015, it was observed that the custodial

interrogation of the applicant is necessary to unearth the truth involved in the present crime. The learned Counsel for the applicant submitted that after order dated 22.5.2015 there is no progress at all in the investigation and that the police have never sought the attendance of the applicant for interrogation. He further contended that the police are not interested in interrogating the applicant though he was and is available at known addresses. The learned Counsel for the applicant thereafter vehemently contended that the documents in question were never seized as per the provisions of law and have till today not been sent to either hand-writing expert or forensic science expert. He lastly contended that to prove his bonafide the applicant is ready and willing to deposit the amount which is involved in the alleged transaction.

4 As far as the contention with respect to the investigation of the crime and interrogation of the application is concerned, it appears to me that the Investigating Officer is lackadaisical in his attitude in investigating the crime and therefore it may be proper for the Superintendent of Police, Thane Rural to personally supervise the investigation of the present crime. The Superintendent of Police, Thane Rural is at liberty to transfer the investigation to another competent Investigating Officer who will and shall investigate the crime with utmost sincerity at his command, particularly in

view of the fact that the earlier Application for Anticipatory Bail filed by the applicant has been rejected on 22.5.2015 by this Court. As far as the contention that the documents are not sent by the police to the hand-writing expert or to the forensic science expert, the same forms a part of the investigation and the Superintendent of Police, Thane Rural shall take into consideration the said aspect also.

5 As far as the last submission of the applicant that he may be allowed to prove his bonafide by directing his client to deposit the amount in dispute either in this Court or with the complainant is concerned, it is to be noted here that the anticipatory bail application of the applicant has already been rejected by this Court by its order dated 22.5.2015 and the said ground now cannot be considered as a major and substantive change for consideration of the present application.

6 I find that there is no major or substantive change in the situation and in facts and circumstances of the case after 22.5.2015 and in that view of the matter I find no merits in the present Application and the same is hereby dismissed in limine.

7 The Registry is hereby directed to forward the copy of this order to the Superintendent of Police, Thane Rural.

(A.S. GADKARI,J.)

