

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1160 OF 2013

1.	Amar Vasant Korgaonkar	)
2.	Ashok Genuba Gole	)
3.	Nagesh Vasant Koregaonkar	)
4.	Anil Atmaram Gawade	).. Applicants

vs.

The State of Maharashtra	...	Respondent
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Mr. Sushrut Jadhwar i/b. Mr. Shirish Dhawale, for the applicants
Mr. S.S.Pednekar, APP for the State.
Mr. Suresh Kadam, P.I., I.O., EOW, Thane.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 15th June, 2015.

P.C.

Heard the learned counsel for the applicants and the learned
APP.

2. This is an application under Section 438 of Cr.P.C. The applicants herein are apprehending their arrest in Crime No.408 of 2013. On 24.10.2013, this Court (Coram: A.H.Joshi, J (since retired)) had heard the matter. At the time of hearing, the applicants had volunteered to remain present before the Investigating Officer on 28.10.2013. The Investigating

Officer had made a statement that he would not arrest the applicants till the next date. It appears from the records that the applicants have co-operated with the investigating agency to the best of their capacity and, therefore, the investigation is completed. The principal accused in Crime No.408 of 2013 is still absconding.

3. The learned APP, upon instructions from the Investigating Officer, who is present in the Court, makes a statement that the Investigating Officer has taken steps under Section 82 of Cr.P.C. Since the application was pending before this Court, the Investigating Officer could not file a report under Section 173 of Cr.P.C. Since the records show that the applicants have co-operated with the investigating agency since 24.10.2013, it is abundantly clear that his custodial interrogation after more than 1-1/2 year would not be imperative.

4. The learned counsel for the applicant, upon instructions, submits that the applicants are still willing to co-operate with the investigating agency as and when required. Hence, the applicants deserve pre-arrest bail. The Investigating Officer is at liberty to file charge-sheet before the concerned Court at the earliest. The charge-sheet against the absconding accused shall be filed under Section 299 of Cr.P.C. and the Investigating Officer shall continue to take all necessary steps under Section 82 of Cr.P.C.

5. The observations made hereinabove are prima facie in nature. The learned Sessions Judge shall not be influenced while deciding the application of discharge, or quashing of FIR or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R.Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The applicants shall report to the concerned police station as and when called.
- (iv) The Investigating Officer shall issue a written notice to the applicants 72 hours before calling them to the police station.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)