

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1708 OF 2015

Hirabai Shivram Pathare & Anr. .. Applicants

v/s.

State of Maharashtra ..Respondent

Mr. Priyal G. Sarda for the applicants
Smt. Geeta Mulekar, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 16th NOVEMBER, 2015.**

P.C.

1. The applicants herein have filed the aforesaid application for anticipatory bail, apprehending their arrest in view of the complaint dated 19.02.2015 lodged by the City Corporation Ltd.

2. The records reveal that City Corporation Ltd has lodged a complaint against the applicants. It is not in dispute that the FIR has not been registered, however, registration of FIR is not a sine quanon for grant of anticipatory bail. The said complaint *prima facie* discloses commission of cognizable offence. Hence, the

apprehension of arrest cannot be said to be baseless. The delay in registering the FIR is an indication that the presence of the applicant is not required for custodial interrogation. There is no possibility of the applicant fleeing from the cause of justice.

3. Under the circumstances, the applicant is entitled for bail. Hence, the application is allowed on the following terms and conditions.

(i) In the event of arrest of the applicants in the aforesaid crime, the applicants shall be released on bail on furnishing bail bonds of Rs.10,000/- each with one surety in the like amount to the satisfaction of the learned J.M.F.C, Cantonment Court, Pune.

(ii) The applicants shall furnish their permanent as well as local address to the learned Magistrate and till filing of the charge-sheet, the applicants shall not leave the jurisdiction of the learned J.M.F.C. Cantonment Court, Pune without prior permission of the

Magistrate.

(iii) The applicants shall report to the Investigating Officer for a period of 4 days from 10.00 a.m. to 1.00 p.m. from the date of the receipt of the order or as and when required by the I.O. for the purpose of interrogation and investigation.

(ANUJA PRABHUDESSAI, J.)