

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

ANTICIPATORY BAIL APPLICATION NO. 798 OF 2016

Santosh Vasudev Munde & Ors.	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

Mr. Ramkrushna Yedave h/o. Mr. Vijay Killedar Advocate for the Applicants.
Ms. Rutuja Ambekar, A.P.P. for the Respondent - State.

CORAM : N.W. SAMBRE, J.

DATED : 17th NOVEMBER, 2016.

P.C. :

1 Vide order dated 03.05.2016 in Crime No.I-40 of 2016 for the offences punishable under Sections 420, 465, 467, 468, 471 r/w. 34 of the I.P.C., this Court rejected the application for grant of pre-arrest bail to the applicant/accused Santosh Vasudev Munde. However, this Court has granted the ad-interim protection to applicant Nos.2 and 3 who are the guarantors.

2 The learned counsel for the applicants Ramkrushna Yedave submits that the custodial interrogation of the applicant Nos.2 and 3 being guarantors is not required as the main applicant/accused Santosh is already arrested. He would then urged that the role attributed to the present applicant Nos.2 and 3 is not that of misappropriation of the loan amount and they still stood by their guarantee.

3 The Learned A.P.P. though agrees to the fact that the applicant Santosh is arrested, however, opposes the application on the ground that the custodial interrogation is necessary.

4 From the factual matrix of the present case it appears that the applicant Santosh has obtained vehicle loan from the bank and without purchase of the vehicle, misappropriated the said amount and has also not prepaid the same. So far as applicant Nos.2 and 3 are concerned, there are no allegations or there is no material so as to infer that they have misappropriated the loan amount or in any way beneficiaries of the same. In absence of motive on the part of applicant Nos.2 and 3 in my opinion their custodial interrogation will not require.

3 In view thereof the application for grant of pre-arrest bail moved by applicant Nos.2 and 3 is allowed on the following terms :-

- a) In the event of arrest, the applicant/accused Nos. 2 and 3 be enlarged on bail upon furnishing P. R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount;
- b) The applicant Nos. 2 and 3 shall not tamper with the evidence;
- c) The applicants shall not leave India without prior permission of the Court.
- d) The applicants shall cooperate with the Investigating Officer and both shall attend Vishnunagar police station, Dombivli (w) on Monday and Saturday between 6.00 p.m. to 8.00 p.m. initially for two weeks thereafter as and when called.

(N.W. SAMBRE, J.)