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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.1062 OF 2016
WITH
CRIMINAL APPLICATION NO. 520 OF 2016**

Dr. Premshankar Vidyadhar Bhatt

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Mahendra Agavekar for Applicant.

Ms. R.M. Gadhvi, APP for State with Mr. S.B. Rathod, PSI, Shanti Nagar
Police Station, Bhiwandi present.

Mr. Anil Galgali for Original Complainant.

CORAM: A.S. GADKARI, J.

DATE : 6th September 2016.

P.C.

1 In pursuance of Order dated 27th June 2016, the applicant was directed to attend the Investigating Officer on stipulated dates and to join the process of investigation. The learned APP on instructions submitted that the applicant though attended the Investigating Officer, did not co-operate in the process of investigation. The learned APP submitted that the first

information report dated is 21.3.2016 and the complainant/first informant has given a supplementary statement dated 22.4.2016 wherein it is stated that certain valuable articles which were lying in the said premises have been removed by the applicant and because of the same Section 406 of IPC is added to the crime. She further submitted that the custody of the applicant is necessary for recovery of those articles. The learned counsel for the original complainant supported the contention of the learned APP and vehemently opposed the grant of any relief to the applicant.

2 It is to be noted here that a bare perusal of the first information report dated 21.3.2016 prima facie reveals that the allegations even if are taken to its face value, the same appears to be exaggerated version narrated by the complainant. The applicant and complainant both are Doctors and medical practitioners. The allegations as mentioned in the first information report is of removing the iron shutters which were fixed to the part of the disputed premises amounting to Rs.19,000/-. That the applicant and the complainant were partners and were running the hospital namely Max Multispeciality Hospital at Temghar, Bhiwandi, District-Thane at the disputed premises. The record reveals that in the supplementary statement dated 22.4.2016 wherein additional allegations of removing valuable articles thereby committing criminal breach of trust has been added. The

informant did not mention the additional facts though were of importance in his first information report.

In view of the above, I am of the opinion that the applicant has made out a case for pre-arrest bail.

3 Hence, the following Order:

(i) In the event of arrest of applicant in CR No.I-97 of 2016 registered with Shantinagar Police Station, Bhiwandi, District-Thane, the applicant shall be released on his furnishing PR bond of Rs.50,000/- with one or more solvent local sureties in the like amount.

(ii) The applicant shall attend the Investigating Officer as and when called for between 11.00 a.m. to 1.00 p.m. till the filling of chargesheet.

(iii) It is needless to mention that before calling the applicant to Police Station, the Investigating Officer shall issue a notice under Section 160 of Cr. P.C.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(v) Application is allowed in the aforesaid terms.

4 In view of the Order passed in Anticipatory Bail Application No.1062 of 2016, the Criminal Application No.520 of 2016 does not survive and the same is accordingly disposed off.

(A.S. GADKARI,J.)