

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1533 OF 2016

Baburao Devji Chavan. ... Applicant.
Versus
The State of Maharashtra. ... Respondents.

Mr. Ritesh Thobde, advocate for Applicant.

Mr. R.M. Pethe, APP for State.

Mr. D.U. Ingale, Police Naik, EOW, Solapur City.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 20, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in C.R. No. 286/15 registered at Jail Road Police Station, Solapur for offence punishable under Section 406, 409 read with Section 34 of the Indian Penal Code.

3 This Court by an order dated 1/9/2016 had granted interim relief in favour of the applicant and at that stage had observed that -

“The learned Counsel for the applicant has drawn the attention of this Court to the audit report, more particularly, paragraph-11 of the audit report which indicates that 13 meetings were held by the Board of Directors. In the meeting dated 13/12/2010 as per the resolution No. 3, the shares of Rs. 15,00,000/- were kept for sale out of shares of Rs. 30,00,000/-. It is specifically observed that the minutes of the meeting would show that the directors and the manager had not signed the minutes of the meeting and only the chairman was present. The learned Counsel for the applicant further submits that for the past four years, the applicant has not attended a single meeting as he is suffering from paralysis.”

4 Today the learned Counsel for the applicant has placed on record the medical certificate issued by S.P. Institution of Neurosciences, Solapur dated 8/8/2013, which shows that the applicant had suffered a stroke of paralysis. The medical certificate issued by Dr. V.M. Government Medical College, Solapur dated

9/9/2016 shows that the applicant herein has been diagnosed with right sided Hemiparesis Secondary to Left Thalamic bleed, which is permanent, non-progressive and not likely to improve. The certificates are taken on record and marked as article "X" collectively.

5 For the reasons assigned in the order dated 1/9/2016 as well as the health condition of the present applicant, he deserves to be granted pre-arrest bail.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned trial court shall not be influenced by the same while deciding application for discharge or quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 286/2015, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or two sureties in the like amount.

(iii) The applicant shall report to the police station as and when called and cooperate with the investigating agency to the best of his capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)