

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

ANTICIPATORY BAIL APPLICATION NO.1563 OF 2016

Dinesh Shantaram Vartak & Ors.	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

Mr. Santosh S. Musale Advocate for the Applicants.
Mr. Ajay Patil, A.P.P. for the Respondent - State.

CORAM : A.S. GADKARI, J.

DATED : 8th SEPTEMBER, 2016.

P.C. :

1 The applicants are apprehending arrest in C.R.No.I/219/2016 arrested registered with Virar Police Station, District Palghar, under Sections 420, 465, 467, 468, 471, 474 r/w.34 of the Indian Penal Code and under Sections 53 and 54 of the Maharashtra Regional and Town Planning Act, 1966.

2 After hearing the learned counsel for the applicants at length, when this Court was not inclined to grant any relief for and in favour of applicant Nos.1 and 3. The learned counsel on instructions seeks leave to withdraw the application unconditionally qua the applicant Nos.1 and 3. Leave and liberty granted. The present Application is dismissed as withdrawn qua applicant Nos.1 and 3.

3 As far as applicant No.2 is concerned, it is submitted that he is about 89 years of age as of today. Though it is mentioned in the First

Information Report that he is the original landlord, after taking into consideration his age, the custodial interrogation of the said applicant No.2 according to me is unwarranted. In view of the same, applicant No.2 is granted pre-arrest bail.

4 Hence the following order :-

(i) The pre-arrest bail application of applicant Nos.1 and 3 is dismissed as withdrawn as stated earlier.

(ii) As far as applicant No.2 is concerned, in the event of his arrest, in C.R. No.I/219/2016, registered with Virar Police Station, District Palghar, he shall be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(iii) The applicant No.2 shall attend the Investigating Officer on 20th and 21st of September 2016 between 10.00 a.m. to 12.00 noon and to join the process of investigation. It is made clear that applicant No.2 Shantaram Daji Vartak shall not be detained in the police station beyond 12.00 noon on the said two days under any circumstances.

(iv) Application is partly allowed in the aforesaid terms.

(A.S. GADKARI, J.)