

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

CRIMINAL BAIL APPLICATION NO. 2131 OF 2015

Kamala Madhukar Waghmare & Ors. ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Uday Nighot for the Applicant

Mr. Arfan Sait, APP for the Respondent-State.

Mr.S.M.Shinde, PSI, Yawat Police Station present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 03, 2016.**

P.C.

1. This is an application for bail filed by the aforesaid applicant who is arrested in crime No. 28 of 2014 registered with Yawat Police Station, Pune for offences punishable under Section 341, 467, 468, 471, 420 r/w. 34 of the Indian Penal Code.
2. Upon dismissal of the application for anticipatory bail by this Court, the applicant had filed an application for anticipatory bail before the Apex Court.
3. The Apex Court by order dated 8.5.2014, the Apex Court had directed that “in case the petitioners surrender or are arrested within

four weeks they would be provisionally enlarged on bail on furnishing bail bonds and sureties to the satisfaction of the arresting authority or the court in seisin of the case, subject to the conditions stipulated in sub-section (2) of Section 438 of the Code of Criminal Procedure”

4. Subsequently, by order dated 19.01.2015, the Apex Court had ordered that “The interim arrangements, ordered by us on 8th May, 2014 shall continue for a period of two weeks from today so as to enable the petitioners to apply for regular bail. If the bail application is not moved within this period, the Court in Seision shall decide it expeditiously and shall not be influenced by any observations made by the High Court.”

5. The records reveal that the applicants have not surrendered before the Investigating Officer and were neither arrested nor are in custody. Hence the application for bail is not maintainable, and the same is dismissed.

(ANUJA PRABHUDESSAI, J.)