

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**Criminal Application (ABA) No. 542 of 2016**

Vijay v. The State of Maharashtra

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri S. Borkar, Advocate for applicant  
Shri T. A. Mirza, APP for respondent-State  
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**Coram : S. B. Shukre, J**

**Dated : October 4, 2016**

1. Heard learned counsel for the applicant and learned Additional Public Prosecutor for respondent-State.
2. It is informed by learned counsel for the applicant that in this crime, the Investigating Officer of Police Station, Duggipar, District Gondia has filed charge-sheet on 20<sup>th</sup> September 2016 before the Court of Judicial Magistrate, First Class, Sadak Arjuni, District Gondia. He further submits that this applicant has not been named in the charge-sheet as an accused.
3. Learned Additional Public Prosecutor submits that filing of the charge-sheet has come to him as a surprise. He submits that on 3.10.2016 (yesterday), the Investigating Officer had met him personally, but he did not inform him that the charge-sheet has been filed in the matter. He also states that on the contrary, the Investigating Officer told him that sufficient evidence has been gathered against this applicant and that evidence would show prima facie involvement of the applicant in the offences alleged against him.
4. Copy of the final report filed under Section 167

Cr. P. C. furnished to the applicant, is produced before me by learned counsel for perusal. On going through it, there remains no doubt in my mind that the Investigating Officer has filed charge-sheet in the matter. The charge-sheet has been filed against seven accused and name of this applicant does not find mention in the seven accused named. It is obvious that as there was no evidence gathered against this applicant, he has not been made an accused in the charge-sheet. At the same time, as informed by learned counsel for the applicant, the supplementary charge-sheet is likely to be filed against the applicant which justifies apprehension expressed by him that the applicant could be arrested in future.

5. In view of the above, I find that the applicant has made out case for grant of anticipatory bail for a limited period of time.

6. In the result, application is partly allowed. Interim bail granted to the applicant on 20<sup>th</sup> August 2016 is hereby confirmed on the same conditions. However, it is made clear that this order shall come to an end automatically after the expiry of period of three months from the date of this order.

Application stands disposed of accordingly.

**JUDGE**

joshi

## Certificate

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