

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

BAIL APPLICATION NO.188 OF 2017

Raj Ganpatrao Gaikwad Applicant

versus

State of Maharashtra ... Respondent

Mr.Abhiman D. Patil, Advocate h/f Gajanan M. Savagave,
Advocate for the Applicant.

Mr.Deepak Thakrey, APP for the State/Respondent.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 23rd JANUARY, 2017.

P.C. :

1. This application is moved for bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under sections 420, 406, 407, 467, 468 r/w 34 of the Indian Penal Code and under section 3 of the Maharashtra Protection of Interest of Depositors (MPID) Act, in C.R.No.36/16 dated 24/02/2016 of Karkamb Police Station, Taluka Pandarpur, District Solapur.

2. At the outset the learned prosecutor rightly pointed out

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the order passed by this Court dated 22/09/2016 wherein the learned counsel for the applicant/accused sought permission of this Court to withdraw the application with further liberty to appear before the Judicial Magistrate First Class, Pandharpur on 01/10/2016 and also made a statement that he would file an application for bail. Accordingly, the permission was granted and application was dismissed as withdrawn. Pursuant to that bail application was preferred by the applicant/accused on 27/09/2016 before learned J.M.F.C. Pandharpur. The learned Judge adjourned that matter from time to time. However, by order dated 23/11/2016 rejected the application for bail and specifically observed that though the applicant/accused was directed to appear before the Court he did not come before the Court. The learned Judge passed a reasoned order on 23/11/2016 and rejected the bail. It appears that thereafter on 14/12/2016 the learned Sessions Judge has also rejected the said application.

3. The learned prosecutor submitted that the accused is

not arrested by the police and therefore bail application is not maintainable.

4. The learned counsel for the applicant/accused submitted that applicant/accused be given liberty to surrender before the trial Court.

5. I have perused the order passed by the learned Judicial Magistrate and considered the submissions made by the learned prosecutor. It is the fact that the applicant/accused has never surrendered before the learned Magistrate and never arrested by the police and hence this application is not maintainable and therefore application is rejected.

(MRIDULA BHATKAR, J.)