

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 278 OF 2017

Ratilal Babhutmal JainApplicant

V/s.

The State of MaharashtraRespondent

WITH
CRIMINAL BAIL APPLICATION NO. 279 OF 2017

Shailesh Shevantilal ShahApplicant

V/s.

The State of MaharashtraRespondent

WITH
CRIMINAL BAIL APPLICATION NO. 280 OF 2017

Manoj Motaji PurohitApplicant

V/s.

The State of MaharashtraRespondent

Mr. A. P. Mundargi, senior counsel a/w Mr. Mubin Solkar
a/w Mr. Sunny Punamiya i/b Mr. Dilip H. Shukla Advocate
for Applicant in BA 278 of 2017 and BA 280 of 2017.

Mr. Vinit Naik, senior counsel i/b Mr. Raju D. Suryawanshi
Advocate for Applicant in BA 279 of 2017

Mr. Ramesh Chandra Mishra Advocate for Intervener

Mr. S. K. Shinde PP a/w Ms. P. P. Shinde APP
for the State in BA 278 of 2017 and 279 of 2017.

Mr. S. K. Shinde PP a/w Ms. J. S. Lohakare APP
for the State in BA 280 of 2017.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 3rd MARCH, 2017.

PC :

- 1) The learned respective counsel, upon instructions seek liberty to withdraw the applications.
- 2) Liberty as prayed for is granted in the interest of justice with further liberty to approach the Sessions Court under section 438 of the Code of Criminal Procedure, 1973 after filing of the charge-sheet. The learned Sessions Judge while considering the application after filing of the charge-sheet, shall not be influenced by the withdrawal of this application.
- 3) In the course of hearing of these applications, it was brought to the notice of this Court that the offence is also registered under section 13 (1) (d), 13 (2) of Prevention of Corruption Act, 1988 as the material on record would show that the certificates which are being relied upon by the accused are issued by the government servants.

- 4) The learned senior counsel appearing for the applicants has vehemently stated that till today, investigating agency has not only not arrested any public servant but the identity of the public servants has also not been ascertained.
- 5) The learned government pleader Shri. S. K. Shinde has submitted that during the relevant period, it was one Mr. Wankhede who was in-charge of the said department, however, he has expired and the investigating agency is exploring the matter from all angles to identify the public servants who in all probabilities had issued the said certificates on the basis of which applicants had undertaken the construction.
- 6) Investigation is in progress and therefore, this Court upon hearing the application was not inclined to grant bail.
- 7) Applications stand dismissed as withdrawn.

(SMT. SADHANA S. JADHAV, J.)