

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

ANITICIPATORY BAIL APPLICATION NO.646 OF 2017

Ashok Sadu Shilawat ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr. Shyam Dewani with V.R. Gaikwad, Akansha Heluskar and
Pushkraj Deshpande for the Applicant

Mr. S.S. Hulke, APP, for Respondent

Mr. Prabhakar Ghadge, Dy.SP, ACB, Nashik – present

CORAM: Mrs. MRIDULA BHATKAR, J.

DATED: APRIL 24, 2017

P.C. :

1. This is a second Application for pre-arrest bail. The first Bail Application was rejected by this Court on 31.1.2017, still, the accused is not arrested. The learned Counsel for the applicant/accused submits that the ground for the second Bail Application is the decision taken by the Additional Commissioner, Nasik dated 27.3.2017 by which the authority has cancelled the orders of Additional Collector, Malegaon, which were given on 19.5.2015 in respect of acceptance of nazrana for N.A. And agricultural land at the time of transfer. He submits that the other accused have been granted regular bail.

2. Learned Prosecutor has filed an affidavit of one Shri Prabhakar Ghadge, Deputy Superintendent of Police, Anti Corruption Bureau, Nashik and submitted that the applicant/accused is absconding and, therefore, the police could not arrest him. However, he submits that the co-accused Ashok Aher was arrested by the Investigating Officer and when he was produced before the Court, he was transferred to judicial custody and thereafter, was granted bail after one week.

3. No ground is made out to entertain this second Application. The affidavit discloses that the applicant/accused is absconding and avoiding arrest. On perusal of the order dated 27.3.2017, the order dated 19.5.2015 of the Additional Collector is cancelled, however, in the order dated 31.1.2017 rejecting the Anticipatory Bail Application, there is a reference to the order of Additional Collector dated 17.1.2015 explaining the earlier G.R. Of 2002 in respect of transfer of lands and payment of Nazrana.

4. Under such circumstances, no ground is made out to entertain this second application. Hence, the Anticipatory Bail Application is rejected. However, the applicant/accused may

surrender before the learned Sessions Judge and the learned Sessions Judge may consider his application for bail on merits.

5. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)