

Anand

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

ANTICIPATORY BAIL APPLICATION NO.990 OF 2017

Jaykumar Ashok Kajave .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.K.J.Patil a/w. Mr.N.B.Wakle, Advocate, for
the Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.88 of 2016 registered with the Hatkanangale Police Station, Kolhapur, for the alleged offences punishable under Sections 467, 468, 471, 420 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant

states that the Applicant has not been named in the FIR. He submitted that in fact, no effort or attempt was made by the police to apprehend the Applicant, till the filing of the charge-sheet. He submitted that even in the entire charge-sheet, there are no allegations as against the Applicant.

4. Learned APP states that it has transpired in the investigation that the Applicant is a beneficiary and has received Rs.3,00,000/- from co-accused – Baban Kesarkar. He does not dispute the fact that charge-sheet has been filed as against accused Nos.1 to 11. He also does not dispute the fact, that no notice was served on the Applicant to secure his presence or that the Applicant was not absconding.

5. Perused the papers. It appears that the Applicant is a Director of the Patsanstha and

had given a recommendation letter for the loan proposal submitted by co-accused – Kesarkar. It also appears that Kesarkar had issued a bearer cheque in the name of the Applicant for a sum of Rs.3,00,000/- which was withdrawn by the Applicant on 02.02.2016. It also appears that investigation is complete and charge-sheet is filed against the other accused. It is not in dispute, that no notice was served on the Applicant to secure his presence nor is it the case of the prosecution that the Applicant was absconding.

6. Considering the material on record, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the

sum of **Rs.15,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** till the filing of the supplementary charge-sheet or for a period of three months whichever is earlier;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)