

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1787 OF 2017**

1.Sanjay Narayan D'Souza	
2.Ankit Sanjay D'Souza	.. Applicants
vs	
State of Maharashtra	.. Respondent

Mr.Aniket Nikam I.b Mr.Aashish Satpute for Applicants
Mr.S.S.Hulke APP for State

Coram : A.S.GADKARI, J
Date : 16th NOVEMBER 2017

P.C.

1. Heard learned counsel for the parties at length. Perused the papers of investigation.

2. After hearing the learned counsel for the Applicants at length when this Court was not inclined to grant any relief in favour of the Applicant No.1-Sanjay Narayan D'Souza, the learned counsel on instructions, seeks leave to withdraw the Application of Applicant No.1-Sanjay Narayan D'Souza unconditionally.

3. Leave granted.

Application of Applicant no.1-Sanjay Narayan D'Souza is
dismissed as withdrawn.

4. As far as Applicant no.2-Ankit Sanjay D'Souza is concerned, the record indicates that he is the son of Applicant no.1. *Prima facie*, it appears that he has not played any active role in the present crime. The amount which is alleged to have been defalcated was transferred to the personal account of Applicant no.1 and it is the Applicant no.1 who is alleged to have usurped the amount.

5. In view thereof, the Applicant No.2-Ankit Sanjay D'Souza can be protected by pre-arrest bail. Hence the following order :

ORDER

(i) Application of Applicant no.1-Sanjay Narayan D'Souza is dismissed as withdrawn.

(ii) Applicant no.2-Ankit Narayan D'Souza is granted pre-arrest bail on the following terms and conditions :

(a) In the event of arrest in C.R.No.I-250/2017 registered with Mumbai Naka Police Station, Nasik the Applicant no.2-Ankit Narayan D'Souza be released on bail on his furnishing a personal bond of Rs.25,000/- with one or two solvent sureties in the like amount,

(b) The Applicant no.2 shall attend the Investigating Officer as and when called for between 10.00 a.m. to 1.00 p.m. and to join the process of investigation till the filing of the charge sheet,

(c) Applicant shall not tamper with the evidence

and/or influence the prosecution witnesses.

Application is partly allowed in aforesaid terms.

(A.S.GADKARI, J)