

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 538 OF 2017

(SHRIPAD S/O RAVINDRAKUMAR MANJRATKAR...VS...STATE OF MAH. THR. P.S.O. RAILWAY
 POLICE STATION, GONDIA, DISTT.GONDIA)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S. A. Choudhari, Advocate for Applicant.
 Shri N. R. Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.
DATED : 26th JULY, 2017.

Heard.

Apprehending arrest in connection with Crime No.101 of 2016, the applicant approached the Sessions Court under Section 438 of the Code of Criminal Procedure vide Misc.Criminal Application 3049 of 2016. This application was allowed by order passed on 17th December, 2016. Subsequently, the non-applicant filed Misc. Criminal Application 245 of 2017 praying that pre-arrest bail granted to the applicant by order passed on 17th December, 2016 be cancelled. By order passed on 20th April, 2017 the Sessions Court allowed the application filed by the non-applicant and cancelled the pre-arrest bail granted to the applicant by order dated 17.12.2016. In this background, the applicant has approached this Court by this application seeking pre-arrest bail.

The application is opposed on the ground that investigation is in progress.

The applicant, aged about 26 years, claims to be a businessman and has stated that he is not involved in any other crime/offence.

Earlier the applicant had filed Criminal Application (ABA) No.313 of 2017 before this Court on which an order was passed on 9th May, 2017 granting interim protection to the applicant imposing condition of attendance at the police station. The application was taken up for hearing on 12th July, 2017 on which date after arguing for sometime, the learned advocate for the applicant realized that some relevant details are not given in the application and therefore, had sought permission to withdraw the application. That application was disposed as withdrawn with liberty to the applicant to file fresh application.

Though the submission is made on behalf of the non-applicant that the applicant has not been co-operating with the Investigating Agency, it is not pointed out that custody of the applicant is required for further investigation.

In the facts of the case, following order is passed:

In the event of arrest in connection with Crime No.101 of 2016 registered by the non-applicant, the applicant be released on bail on furnishing cash security of Rs.1,00,000/- (Rs. One lakh) and one solvent surety in the like amount.

The applicant shall attend the Railway Police Station Gondia on 2nd August, 3rd August, 4th August, 5th August, 6th August, 7th August, 8th August and 9th August,

2017 between 11.00 a. m. to 3.00 p. m. and then on every Wednesday till the filing of the charge-sheet.

The applicant shall surrender his Passport to the Investigating Agency within 3 days.

The application is **allowed** in the above terms.

JUDGE

PBP