

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

CRI. APPLICATION (ABA) NO.704 OF 2016

(AMIT VINOD MEHRA...VS.. STATE OF MAH. THR. P.S.O. PS JARIPATKA, NAGPUR)

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

Court's or Judge's orders

Shri D.V.Chauhan, Advocate for applicant.
Shri M.J.Khan, A.P.P. for non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 06, 2017.

The applicant seeks pre-arrest bail in the crime registered against him along with three others for the offences punishable under Sections 302, 307, 326, 120B, 506 read with Section 34 of the Indian Penal Code.

This application is filed on 24th October, 2016 and was listed before the Court on the next day i.e. 25th October, 2016 on which date this Court directed issuance of notice to the non-applicant/ State of Maharashtra and granted interim protection to the applicant.

The matter was listed on 16th November, 2016 on which date it was adjourned on request of the learned A.P.P. to enable the non-applicant to file reply. It was directed that the matter be listed on 30th November, 2016. Surprisingly, the matter is not listed thereafter.

The learned A.P.P. has opposed the application on the ground that out of four accused other two accused are arrested and fourth one is absconding.

Be that as it may, without delving into the merits, I find that there are no bonafides on the part of the applicant in prosecuting this application. As recorded earlier, the application was filed on 24th October, 2016 and was immediately circulated on 25th October, 2016 and when the applicant got interim order no steps are taken by him to get the application disposed though it was to be listed on 30th November, 2016. It is relevant to record that the non-applicant has filed its reply on 6th December, 2016. There is lapse on the part of the Investigating Officer also. There is no explanation on behalf of the Investigating Officer as to why steps are not taken to get this application disposed of.

Considering the above facts, I am not inclined to grant prayer made in this application. The application is **dismissed**. The interim protection granted by this Court stands vacated.

If the applicant does not surrender within one week his conduct may be taken note of in all the further proceedings and at all stages.

CRI.APPLN.(APPP) NOs.1526/2016, 1656/2016 & 565/17.

In view of dismissal of the bail application, Criminal Application No.1526 of 2016 for grant of time to file certified copy of order and Criminal Application Nos.1656 of 2016 & 565 of 2017 seeking permission to assist the prosecution have become infructuous.

Hence, the criminal applications are **disposed** of.

JUDGE