

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

CRIMINAL APPLICATION NO.730 OF 2017
(Ashok Niwirutti Ambhore vs. State of Maharashtra)

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

Shri R.S. Kurekar, Advocate for applicant.

Shri M.J. Khan, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 21, 2017

This is the subsequent bail application filed by applicant/accused no.1 Ashok Niwirutti Ambhore in Crime No. 346/2016 registered by Police Station, Malegaon, District Washim for the offences punishable under Sections, 353, 332, 452, 504, 506, 186 read with Section 34 of Indian Penal Code and Sections 3 and 7 of Criminal Law (Amendment) Act, 1932. Earlier bail application of applicant was allowed to be withdrawn simplicitor. As such, present application is held tenable inasmuch as earlier bail application was not considered on merits.

Peculiar facts, which need to be considered, are that in spite of applicant having withdrawn earlier application on 14/12/2016 and though crime is registered on 19/10/2016, there is no mention in the reply as to what efforts are made by the Investigating Agency for effecting arrest of the applicant. Shri Khan,

learned Additional Public Prosecutor, on instructions, orally submits that since applicant is evading his arrest, Investigating Agency could not effect arrest of co-accused. It is submitted that applicant's custodial interrogation is required since investigation remains to be done. It is also contended that apart from present crime, there are other three crimes registered against applicant. It is, therefore, prayed that application be rejected.

So far as registration of other three crimes is concerned, Shri Kurekar, learned Counsel for applicant, has made a statement at bar, which is not disputed by learned Additional Public Prosecutor, that applicant is acquitted in Crime Nos. 84/2002 and 7/2016, which are registered under Sections 143 and 145 of Indian Penal Code and Sections 187, 188 and 290 of Indian Penal Code respectively.

Considering the facts as aforesaid and involvement of applicant in the present crime, out of which present application arises, application is liable to be allowed by imposing suitable conditions as per order below :

In the event of arrest of applicant in Crime No. 346/2016 registered by Police Station, Malegaon, District Washim for the aforesaid offences, he shall be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in like amount. On being released on bail, applicant shall attend Investigating Officer for a period of one week from 27/11/2017 and thereafter as and when called till filing of charge-sheet.

The criminal application is allowed accordingly.

JUDGE

khj