

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

CRIMINAL BAIL APPLICATION (BA) NO.977/2016

Ravindra S/o Deorao Gandre

..Vs..

The State of Maharashtra, through Police Station Officer, Police Station City
Kotwali, Amravati

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

Court's or Judge's orders

Shri P.R. Agrawal, Advocate for the applicant.
Shri S.P. Deshpande, Addl. P.P. for the State.

CORAM : Z.A.HAQ, J.

DATE : 5.6.2017.

After arguing for some time, the learned Advocate for the applicant, on instructions, from the applicant who is stated to be present in Court, seeks permission to withdraw the application. The learned Advocate has submitted that the applicant is granted interim bail and requests for grant of a weeks' time to surrender.

The application is **disposed of** as withdrawn. The applicant shall surrender before the Investigating Officer on 13th June, 2017.

If the applicant fails to surrender till 13th June, 2017, his conduct may be taken into consideration at subsequent stages.

At the time of hearing, the facts on record suggested that the crime could not have been committed

unless there is either involvement of some employee / employees of the bank in the commission of the crime / offence or there is dereliction of duty on the part of the officials / employees of the bank. It is surprising that the Investigating Officer has not examined the matter from this angle. The Commissioner of Police, Amravati shall look into the matter and if felt necessary, hand over the investigation to some other competent officer. The Commissioner of Police, Amravati shall also conduct a discreet enquiry against the Investigating Officer to find out why the Investigating Officer has not conducted investigation suspecting involvement of the officials / employees of the bank in the crime / offence.

The learned Addl. P.P. shall communicate this order to the Commissioner of Police, Amravati immediately.

The report pointing out outcome of the discreet enquiry shall be placed before this Court till 21st June, 2017.

During the course of arguments, learned Advocate for the applicant submitted that the co-accused Karuna is granted pre-arrest bail by the Sessions Court on 24th August, 2016 and co-accused Akash is granted pre-arrest bail by this Court by the order passed on 20th April, 2017. The above orders by which co-accused Karuna and co-accused Akash are granted pre-arrest bail do not show that the matter is examined from the angle of involvement of officials / employees of the bank in the

crime / offence. As I have directed the Commissioner of Police, Amravati to conduct a discreet enquiry against the Investigating Officer and have directed further investigation to examine whether the officials / employees of the bank were also involved in the crime / offence, I feel it necessary to issue notice to co-accused Karuna and co-accused Akash to show cause why the pre-arrest bail granted to them should not be cancelled.

Issue notice to (i) Karuna Hareshwarrao Shirbhate and (ii) Akash Hareshwarrao Shirbhate, R/o C/o Chintamani Printers, Plot No.71, Vilas Nagar, Amravati to show cause why the pre-arrest bail granted to them in Crime No.356/2016 registered by the police station City Kotwali, Amravati, should not be cancelled. Notice is made returnable on 21st June, 2017.

The Commissioner of Police, Amravati shall ensure that the notice is served on the above persons before the returnable date.

JUDGE