

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

CRI. APPLICATION (ABA) NO. 709 OF 2015

(PANDURANG LAXMANRAO JAYABHAYE....VS.. STATE OF MAH. THR. PSO MANGRULPIR, DIST.
WASHIM)

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.Wagh, Advocate for applicant.
Shri T.A.Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 05, 2017.

Heard.

The applicant has filed this application seeking pre-arrest bail apprehending arrest in the crime registered against him along with other co-accused for the offences punishable under Sections 466, 467, 468, 473, 481, 474, 409, 420, 181 read with Section 34 of the Indian Penal Code. This application is filed in December, 2015 and *ad-interim* order granted in favour of the applicants on 28th December, 2015 continues till date.

The learned A.P.P. has not been able to point out the necessity of custody of the applicant. It is submitted that though chargesheet is ready, it is not filed because of the order passed by the Division Bench of this Court restraining the Investigating agency from taking any coercive action against the accused.

The learned Advocate appearing for the applicant has made a categorical statement that the Division Bench has not passed any order restraining the Investigating Officer from filing the chargesheet.

Considering the above facts and accepting the submissions made on behalf of the applicant that he is not involved in any other crime/ offence, in my view, the applicant is entitled for pre-arrest bail.

Hence, the following order :

The interim order passed on 28th December, 2015 is confirmed. However, on condition that after filing of the chargesheet the applicant shall attend the proceedings before the Court on every date unless exemption is granted by the Court.

The Investigating Officer shall examine the matter and if required take legal advise on the point whether the order passed by the Division Bench of this Court on application under Section 482 of the Code of Criminal Procedure restrains the Investigating Officer from filing the chargesheet. If the order is not of such a nature then the chargesheet should be filed within a fortnight.

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

JUDGE