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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 522 OF 2018

Kiran Kishoremal Jain

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. K.S. Patil I/b Vivek Patil & Associates for applicant.

Mr. Ameet Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 16th July 2018.

P.C.:

1] The applicant is apprehending arrest in CR No. 627 of 2014 dated 1.12.2014 registered with Bandra Police Station, Mumbai under sections 420 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The record indicates that, after completion of investigation of the present crime, the police had submitted chargesheet on 27.2.2015 by citing the applicant as a witness. The same was culminated into Criminal Case No.545/PW/2015. The learned Metropolitan Magistrate, Mumbai

concluded the trial of the said case and convicted accused Yogesh S. Choudhary @ Goyal for offence punishable under section 420, 465, 467, 468, 471 of the Indian Penal Code and sentenced him for maximum term of five years of simple imprisonment by its Judgment and Order dated 13.10.2017.

4] It is to be noted here that, the applicant though was cited as a witness was not examined by the prosecution to lead evidence in the matter. That after convicting the accused Yogesh, the Investigating Agency is now seeking custody of the applicant on the ground that, the applicant was recipient of proceeds of crime and the said amount is yet to be recovered from him.

5] As noted earlier, while conducting the said Case No.545/PW/2015, the prosecution has cited the applicant as a witness and it is only after conviction of accused Yogesh, the Investigating Agency is now seeking the custody of the applicant.

For the aforesated reasons, prima facie it appears that the custody of the applicant is being sought by the Investigating Agency, only to harass him and lower down his prestige in the eyes of the society.

6] In view thereof, the applicant is entitled to be protected by pre-arrest bail.

Hence, the following Order:-

(i) In the event of arrest in CR No. 627 of 2014 registered with Bandra Police Station, Mumbai, the applicant be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one or two local sureties in the like amount.

(ii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)