

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

ANTICIPATORY BAIL APPLICATION NO. 523 OF 2017

Uttamkumar Vishnu Samantha ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Kamlesh Jain for the Applicant.

Mr. R.M. Pethe, APP for the Respondent/State.

Mr. A.P. Bhatkar, PSI attached to L.T.Marg Police Station.

CORAM : A.S.GADKARI, J.
DATE : 8th JANUARY, 2018

P.C.:

. By an Order dated 24.03.2017, the Applicant was granted interim relief.

2 Heard the learned Counsel for the Applicant, the learned APP and perused
the record of investigation.

The record indicates that the police have received a report from the Additional Chief Examiner of Documents, CID, Maharashtra State Mumbai dated 29.09.2017 informing them to provide original document instead of carbon copy. The document in question herein is a receipt allegedly executed by the Applicant dated 17.10.2016 thereby accepting the alleged quantum of gold mentioned in the first information report. The learned Counsel for the Applicant submitted that first information report is silent about the possession of the original receipt

of the said carbon copy with the Applicant and under normal circumstance of business, the original receipt ought to have been in the possession of the first informant Mr. Nitin Jain and the carbon copy thereof would have been in the possession of the Applicant. I find substance in the said submission. The record further indicates that in pursuance to the Orders dated 24.03.2017, 20.06.2017, the Applicant has attended the concerned Police Station and joined the process of investigation.

3 After taking into consideration, the peculiar facts and circumstances of the present case, this Court is of the view that the custodial interrogation of the Applicant for further investigation of the present crime is not necessary.

4 In view of the above, interim relief granted by the order dated 24.03.2017 is hereby confirmed.

However, the Applicant is directed to attend the Investigating Officer as and when called for between 10.00 a.m. to 12.00 noon and to join the process of investigation till the completion of the investigation/filing of final report. It is needless to mention that before calling the Applicant to the Police Station, the concerned Investigating Officer shall issue a notice under Section 160 of the Cr.P.C. to the Applicant.

5 Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)