

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.575 OF 2018

Ramesh Khumchand Shah, Age 63 years,
R/o.501, Vishva Gulab, N.S.Road, No.1
JVPD Scheme, Vile Parle (W), Mumbai-56.

Applicant

versus

1. The State of Maharashtra.
2. Anil Basant Patel, Mumbai.

Respondents

Mr.Sumit Vakandkar I/by Mr.A.M.Saraogi for applicant.
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th September 2018

PC :

1. This is an application for anticipatory bail. The applicant is apprehending arrest in connection with CR No.13 of 2015 registered with Vanrai Police Station, Mumbai under Sections 406 and 420 of Indian Penal Code. Notice was issued to the complainant on the earlier occasion. However, office noting indicate that notice is returnable back unserved with remark that complainant is not residing at the given address. The applicant was granted interim protection on 23rd March 2018 with a direction to report the investigating officer of Vanrai Police Station on 2nd to 4th April 2018 between 10 am and 12 noon. Thereafter the application had come up for hearing subsequently on 23rd August 2018. It was submitted by learned APP that opinion of handwriting expert is awaited. It is also apparent that the investigating officer had issued letter dated 12th December 2017 to the applicant stating that investigation in the case is completed and charge sheet will be filed before the Court of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai and applicant was directed to remain present before the Court. Since the

applicant apprehended that he might be taken into custody, if he remains present before the Court, he preferred application for anticipatory bail before the Sessions Court, which was rejected and thereafter he has preferred the present application before this Court.

2. Apparently it is clear that investigation is complete. The opinion of handwriting expert is awaited. Learned APP submitted that the document was forwarded for the opinion of handwriting expert on 17th January 2017. As stated above, investigation is complete and charge sheet was to be filed. In the circumstances, the interim order granted earlier is required to be confirmed with certain conditions.

3. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.575 of 2018 is allowed and disposed off;
- (ii) Interim order dated 23rd March 2018 is hereby confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.13 of 2015 registered with Vanrai Police Station, Mumbai, the applicant be released on furnishing PR bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
- (iv) The applicant shall attend the investigating officer of Vanrai Police Station, Mumbai as and when called.

(PRAKASH D. NAIK, J.)