

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1174 OF 2018

Sanjay Hari Gaikwad. .. Applicant.

V/s.

The State of Maharashtra. .. Respondent.

Mr. Rahul D. Motkari, advocate for applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV, JJ.

DATE : JUNE 18, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 121 of 2016 registered at Satana Police Station pursuant to the directions given by the learned Magistrate, Satana vide order dated 8/6/2016.

3 It is the case of the complainant that his son Sandeep is educated up to MA, B.Ed. He was in search of the job. The applicant

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herein happens to be the secretary of Nirmity Social Work and Research Centre, and he runs several educational institutions and Ashram Schools. It is alleged that the applicant had solicited gratification from the applicant for giving employment to the son of the complainant. Hence, the complainant paid the said amount. Accordingly, son of the complainant had got job in a school at Kanashi. He was working there without receiving any salary or any remuneration. After four years, his son had demanded salary and thereafter, the present applicant had suspended the services of the son of the complainant.

4 In fact, it appears from the record that the son of the complainant had assaulted and abused a boy studying in 6th standard. The complaint was lodged to that effect by Raju Sabale and Crime No. 8 of 2014 was registered and therefore, the institution was constrained to suspend the services of the son of the complainant. It is a matter of record that the offence is registered way back in 2016.

5 The learned Counsel for the applicant submits that the applicant is very much in Nashik. He is attending his office regularly and residing in his own house. However, he was never summoned by the police. It was only when he had learnt about the registration of the offence, he approached the Sessions Court seeking pre-arrest bail, which

was rejected on 4/6/2018.

6 Taking into consideration the fact that the custody of the applicant was not taken for 2 years after registration of the offence and the fact that the offence is registered on the basis of the private complaint after four years of the alleged incidence, the applicant has made out a case for grant of pre-arrest bail.

7 The observations are restricted to application under section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

8 Hence, the following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 121 of 2016 registered at Satana Police Station, Satana, Nashik, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or more sureties in the like amount.

(iii) The applicant shall report to the concerned police station on three consecutive Sunday commencing from 24/6/2018 and cooperate

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with the investigating agency to the best of his capacity.

(iv) The applicant shall not tamper with the evidence.

9 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]