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

**ANTICIPATORY BAIL APPLICATION NO.1324 OF 2017
WITH
APPP NO. 742 OF 2017**

Joseph D'Costa

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Rabindra Yadav for applicant.

Mr. R.M. Pethe, APP for State.

Mr. S.S. Karmarkar for applicant/intervener in APPP No.742 of 2017

CORAM : A.S.GADKARI, J.

DATE : 10th JANUARY 2018.

P.C.:

1] By a reasoned Order dated 4th August 2017 the applicant was granted interim relief with a direction to attend the Investigating Officer on stipulated dates and to join the process of investigation.

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

3] On 4th August 2017, the applicant had made a statement before this Court that, he will deposit Rs.22.00 lakhs which is alleged to have been

siphoned off by him, in the Registry of this Court. The record indicates that the applicant has deposited the said amount in the Registry of this Court. The record further indicates that the applicant has attended the concerned Police Station and has joined in the process of investigation.

4] After taking into consideration the record of investigation, this Court is of the view that, the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

In view thereof, interim relief granted by an Order dated 4th August 2017 is confirmed. However, the condition to attend the Investigating Officer is hereby waived.

5] Application is allowed in the aforesaid terms.

6] In view of Order passed in A.B.A. No.1324 of 2017, the Criminal Application No.742 of 2017 does not survive and is accordingly disposed off.

(A.S.GADKARI, J.)