

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

CRIMINAL APPLICATION NO.882 OF 2018

Shubham Suresh Karande : Applicant.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Anand Patil i/by Anand Patil & Associates for the Applicant.
Mr. Deepak Thakare, PP a/w Mr. K V Saste, Addl. PP for the
Respondent/State.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 13th AUGUST 2018

P.C.

1 The ground which has been invoked for quashing of the FIR in question is the fact that no charge-sheet has been filed against the Applicant. It is required to be noted that the charge-sheet has been filed against the other 9 accused persons on 05/08/2017 and in so far as the Applicant is concerned, it is shown that the Applicant is an absconding accused. It appears that thereafter the Applicant has obtained anticipatory bail subject to conditions. Hence it is for the investigating agency if the accused has participated in the investigation to take a decision as regards whether case for filing a charge-sheet against the Applicant is made out. However, the fact remains that the ground of no charge-sheet being filed against the Applicant is not available as at the said relevant time the Applicant was an absconding accused. It would be contingent upon the decision that would be taken by the investigating agency, that the Applicant can thereafter seek appropriate recourse in law. It is

therefore not necessary to keep the above Criminal Application pending. The above Criminal Application to accordingly stand disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

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by Laxmikant
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