

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

ANTICIPATORY BAIL APPLICATION NO. 1585 OF 2018

Tukaram Limbaji Kamble & Anr.Applicants.
Vs.
The State of MaharashtraRespondent.

Mr. Niranjan Bhavake for the Applicant.
Ms. Rutuja Ambekar APP, for the Respondent-State.

**CORAM : A. S. GADKARI, J.
DATE : 21st DECEMBER, 2018.**

P.C.:-

The present Application was heard yesterday i.e. on 20th December, 2018, at length and when this Court was not inclined to grant any relief, the learned counsel for the Applicant had sought time to take instructions from his clients regarding withdrawal of the present Application. The Application was therefore, kept back for passing Orders at 3.00 p.m.

2 At 3.00 p.m., the learned counsel appearing for the Applicant submitted that, the Applicant No.1 is admitted at Mahesh Smruti Hospital, Pune and therefore, he could not take instructions from him. The name and address of the said Hospital was provided by the learned counsel for the Applicants to the concerned Investigating Officer, who was personally present in the Court. This Court directed

the concerned Officer to verify the said fact and the Application was adjourned for passing orders today.

3 Today, the learned APP submitted that, the Investigating Officer had been to the said Mahesh Smruti Hospital, Pune and it is informed to him that, the Applicant No.1 was never admitted to the said hospital for treatment. A photocopy of certificate dated 21st December, 2018 issued by the said Hospital to that effect is produced on record.

4 It is thus clear that, the Applicant No.1 through his counsel made patently false statement on 20th December 2018 before this Court and therefore, on that count alone, the Applicant No.1 does not deserve to be protected by pre-arrest bail. Application of Applicant No.1 is dismissed in *limine*.

5 The learned counsel appearing for the Applicants, submitted that, he has instructions from Respondent No.2 to withdraw the present Application *qua* the Applicant No.2, unconditionally. Leave granted. Dismissed as withdrawn *qua* the Applicant No.2.

6 In view of above, the Application is dismissed.

(A.S. GADKARI, J.)