

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

CRIMINAL APPEAL No.1014 OF 2018

Rahul Dhyaneshwar Wagh	... Appellant / Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr.Pratik Kalantri with A.K. Kotecha for the Appellant / Applicant
Ms.S.V. Sonawane, APP, for the Respondent / State

**CORAM: Mr.S.S. SHINDE &
Mrs.MRIDULA BHATKAR, JJ..
DATED: AUGUST 24, 2018**

P.C. :

1. This appeal is filed being aggrieved by the order dated 3.8.2018 in Criminal Bail Application No.1002 of 2018 passed by the learned Additional Sessions Judge, Nashik.
2. Learned Counsel appearing for the Appellant submits that the other two co-accused in the same crime have been granted anticipatory bail. He invites our attention to the said orders passed by the Special Court by which the co-accused were granted anticipatory bail. Therefore, he submits that the same protection deserves to be given to the present appellant.

3. On the other hand, the learned APP appearing for the State relied upon the statement of the witnesses and also other material collected during the Court investigation, and submits that sufficient material has been collected against all the accused and in respect of the other co-accused, chargesheet has been filed. However, the present appellant absconded and did not make himself available for interrogation. Therefore, she submits that the appeal may be dismissed.

4. We have considered the submissions of the learned Counsel appearing for the appellant and the learned APP appearing for the State. We have carefully perused the annexures to the appeal. It appears that the other two co-accused were granted protection way-back in the year 2016. It was appropriate on the part of the appellant to apply for protection in the year 2016 itself. Upon careful perusal of the reasons assigned in the impugned order, in our opinion, no interference is called for in the impugned order. However, keeping in view the fact that chargesheet has been filed in respect of the other co-accused and there should not be further delay of trial, we grant liberty to the appellant to surrender before the concerned Court. In case, the appellant surrenders before the

concerned Court, the concerned Court to consider his prayer in accordance with law, at the earliest.

5. With the above observations, the appeal stands dismissed.

(MRIDULA BHATKAR, J.)

(S.S. SHINDE, J.)

Vishwanath
Satyanarayana
Sherla

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signed by
Vishwanath
Satyanarayana
Sherla
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