

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 2050 OF 2017**

Suganlal M. Sethiya

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Tushar Khairnar i/by Umesh Mankapure for the Applicant.

Mr. S.S. Hulke APP, for the Respondent-State.

**CORAM : A. S. GADKARI, J.**

**DATE : 25<sup>th</sup> JUNE, 2018.**

**P.C.:-**

This is the Applications under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No. I-353 of 2017 dated 17<sup>th</sup> June, 2017 registered with Manpada Police Station, Dombivali under Sections 265, 267, 420, 465, 468 r/w Section 34 of the Indian Penal Code.

2           The Division Bench of this Court by its Order dated 5<sup>th</sup> December 2017 has granted stay to the effect and operation of any proceeding arising out of the aforestated crime. In view thereof, the Investigating Agency cannot seek custody of the Applicant under the guise of conducting investigation of the present crime.

3           In view of the above, the Applicant is entitled to be

protected by pre-arrest bail.

4           Hence, the following order.

- a)       In the event of arrest of Applicant in CR No. I-353 of 2017 dated 17 June 2017, registered with Manpada Police Station, Dombivali, the Applicant shall be released on bail on his furnishing PR bond of Rs.25,000/ with one or two solvent local sureties in the like amount.
- b)       The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

5       Application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**