

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.34/2015

State of Maharashtra through PSO P.S. Jivti, Dist. Chandrapur ..vs.. Vinod
Kawaduji Khobragade

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V. A. Thakare, A.P.P. for applicant-State.
Ms A. Sarkar, Advocate for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : FEBRUARY 6, 2018

1. Heard Mr. V. A. Thakare, A.P.P. for applicant-State and Ms A. Sarkar, Advocate for non applicant.

2. This is an application for cancellation of anticipatory bail granted in favour of the non applicant by the learned Additional Sessions Judge, Chandrapur on 21.02.2015 in Misc Criminal Application No. 66/2015 by which the anticipatory bail is granted in respect of Crime No.4/2015 registered with Police Station, Jivti, District Chandrapur for an offence punishable under Sections 420, 464 (1) (A), 465, 468 read with Section 34 of the Indian Penal Code.

3. The impugned order shows that during the pendency of the said application for anticipatory bail, the applicant was granted ad interim bail and from the submissions of the learned A.P.P. it is clear that he has not misused the liberty granted to him.

4. According to the learned A.P.P though the entire record is already seized, custody of the applicant is necessary for the purpose of interrogation. Law in that behalf is well crystallized. In the given set of facts, this Court, way back in the year 1981 in the matter of **Jagannath Ramchandra Biyano Vs. State of Maharashtra,** reported in **1981 Mh. L. J.791** has ruled that the relief of anticipatory bail cannot be refused on the ground that the police requires custody for interrogation.

5. The impugned order shows that before learned trial Judge, custody was prayed only for interrogation.

6. In the given set of facts, especially when the entire documents are already seized and the applicant is a suspended Patwari having no control of whatsoever nature on the official records, in my view, no case is made out by the State for grant of relief which is in the nature of cancellation of anticipatory bail especially when there is nothing on record even to remotely show that the applicant has misused the liberty granted to him.

The application is therefore rejected.

JUDGE