

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 72 OF 2019

Deepak Sakharam Kambale	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Vaibhav Bagade for Applicant.
Mr.Amit Palkar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 10th April 2019.

P.C. :

1] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

2] It is admitted fact on record that, the applicant by a notarized document, namely, Conducting Agreement, dated 17th August 2018 had given the premises of his hotel for conducting its business to Mr.Janesh Choksi. Admittedly, on the date of raid i.e. on 25th September 2018, the said Mr.Janesh Choki was in possession of the said premises. There are specific clauses in the 'Conducting Agreement', wherein the

conductor of the said business had agreed to keep the said premises in good condition and not to conduct any activity which is in contravention of the law for the time being in force. It is thus clear that the applicant was absolved by the covenants in the agreement for any irregularity committed by the said Mr. Janesh Choksi while conducting the said business.

3] In view thereof, the custodial interrogation of the applicant for further investigation of present crime is not necessary.

Interim relief granted by order dated 11th January 2019 is hereby confirmed.

4] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]