

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

ANTICIPATORY BAIL APPLICATION NO.106 OF 2019

Ashok Cchandrakant Tarmale

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....
Mr.Hrishikesh Mundargi a/w. Mr.Jayant Bardeskar i/b.
Mr.Abhishek Yende, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent-State.

Mr.B.B. Chavan, ASI, Ulhasnagar Police Station, District-Thane,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 15, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.I-325 of 2018, registered with Ulhasnagar Police Station, District-Thane, on 29th January, 2018. The offences were registered under Section 167, 465 and 420 read with 34 of Indian Penal Code ("IPC", for short). The complaint alleges that in respect to the proceedings initiated by the wife of the complainant, notice was issued by the Court, which was to be served upon the complainant. It is alleged that

although notice was not served upon the complainant, report was submitted showing that the proceedings are served upon him. First Information Report ("FIR", for short) has been lodged after a period of about five years. The offence under Sections 167 and 465 of IPC, are bailable in nature. The only non bailable offence registered against the applicant is Section 420 of IPC. *Prima facie* no case is made out for invoking Section 420 of IPC. Learned APP pointed out the opinion of the handwriting expert, which is inconclusive. Applicant was police constable attached to Ulhasnagar Police Station, District-Thane. Learned counsel for the applicant also submits that the departmental inquiry is also being conducted by the department against applicant, which is still in progress. The matter relates to documents and custodial interrogation of the applicant is not necessary. In the circumstances, the reliefs, as prayed for in this application may be granted.

2 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.106 of 2019, is
allowed;

- (ii) In the event of arrest of the applicant in connection with C.R.No.I-325 of 2018, registered with Ulhasnagar Police Station, District-Thane, he be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend investigating officer on 23rd, 24th and 25th January, 2019, between 11:00 a.m. to 01:00 p.m;
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)