

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.196 OF 2019

Deepak Vitthal Thorat, Age 45 years,
Occ.Govt Service, R/o.Room No.201,
Mahavir Apartments, Near VTC ground,
Section 30, Ulhasnagar-4.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Rajeshwari Bapat with Ms.Isha Vyas for applicant.

Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd January 2019

PC :

1. This is an application for anticipatory bail in connection with CR No.I-325 of 2018 registered with Ulhasnagar Police Station, District Thane, on 29th January 2018. The offences were registered under Sections 167, 465 and 420 r/w Section 34 of Indian Penal Code. The complaint alleges that in respect to the proceedings initiated by the wife of 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. The FIR 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. It is submitted that the applicant is not concerned with service

of summons, however, on the basis of statement of co-accused, the applicant is being implicated in this case.

2. Learned APP pointed out the opinion of the handwriting expert, which is inconclusive. The applicant was police constable attached to Ulhasnagar Police Station. Learned counsel for applicant also submits that a departmental inquiry is also being conducted by the department against the 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.

3. Accordingly, I pass following order :

ORDER

- (i) Anticipatory Bail Application No.196 of 2019 is allowed and disposed off;
- (ii) In the event of arrest of the applicant in connection with CR No.I-325 of 2018, registered with Ulhasnagar Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the investigating officer of Ulhasnagar Police Station on 28th, 29th and 30th January 2019 between 11 am and 1 pm.

(PRAKASH D. NAIK, J.)

MST