

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1588 OF 2017

Rohit Sharma Jankilalji Sharma ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr.Naveen Sharma a/w. Mr.S.K. Sharma and Mr.Nilesh Patil for Applicant.

Mr.S.S. Hulke, A.P.P. for Respondent-State.

Mr.V.V. Chavan, API, DCB, CID, CIU (OPS.), Crime Branch, Mumbai.

CORAM : A.S. GADKARI, J.

DATE : 3rd April 2019.

P.C. :

1] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation. Perused the affidavits dated 14th November 2017 and 19th March 2018 filed by the Investigating Officer, placing on record the progress of investigation.

2] By an order dated 11th September 2017 the applicant was granted interim relief and was directed to attend the Investigating Agency on stipulated dates, to join the process of investigation.

3] Perusal of record *prima-facie* indicates that there is no material as on today available on record to indicate that, it is the

applicant who provided the said MTC number to co-accused Sham Narayan Shukla @ Shyam Premlata Nayak and Suresh Babaram Jadhav. *Prima-facie*, it appears that the connecting link between the applicant and other accused persons is missing.

4] Undoubtedly, the investigation of the present crime involves various hyper technical aspects in view of the *modus-operandi* adopted by the accused persons. However, in the peculiar facts of the present case and *prima-facie* for want of necessary material, the custody of the applicant cannot be given to the Investigating Agency.

5] In view of the above, the applicant is entitled to be protected by pre-arrest bail.

Interim relief, granted by order dated 11th September 2017 is hereby confirmed. However, the applicant is directed to attend the Investigating Officer as and when called for between 10:00 am and 01:00 pm, after receipt of a notice in writing, to join the process of investigation till submission of final report.

6] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]