

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

ANTICIPATORY BAIL APPLICATION NO. 2380 OF 2019

Vishal Gopal Mukadam

....Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Uday Warunjikar i/by Subhash Hulyalkar for the Applicant.

Mr. S.R. Agarkar, APP for the State.

Mr.P.M. Bhalerao, Police Inspector from Narpoli Police Station present.

CORAM : SANDEEP K. SHINDE, J.

DATE : 8th November, 2019

PC :

1. Heard learned counsel for the applicant and the APP for the State.
2. The applicant is apprehending arrest in CR No.I-90/2018 registered with Narpoli Police Station for the offences punishable under Sections 420, 406, 465, 467, 468, 471 read with 34 of the Indian Penal Code. The applicant is seeking pre arrest bail.
3. There are six accused in the subject crime; two are released on bail; against one there is a report under Section 169 and the two accused are absconding.
4. The applicant herein has approached the Sessions Court at Thane for pre-arrest bail vide Application No.2932/2019. Pending this

application the learned Sessions Court declined to grant interim protection vide order dated 18.10.2019. The applicant therefore approached this court.

5. I have perused the order dated 18.10.2019. It appears that the learned Judge declined to grant interim protection as prosecution has claimed that the applicant was absconding. It appears this was the sole ground on which the applicant was refused interim protection by the learned Sessions Judge.

6. The learned APP on instructions from the Investigating Officer submits that there is nothing on record to suggest that the present applicant was absconding since the registration of the FIR.

7. The learned counsel for the applicant has invited my attention on the order dated 13.9.2019 passed by this court in Bail Application No.1480/2018, 1481/2018, 1482/2018 and 1563/2018. By this order pre-arrest bail has been granted to Vinod Gopal Mukadam. Prima facie it appears that the role attributed to the present applicant and Vinod Mukadam is similar.

8. In view of the facts stated herein above, the learned Sessions Court is directed to decide ABA No.2932/2019 on its own merits without being influenced by the order passed by this court preferably on or before 20.12.2019. In the mean time, the applicant is protected by following order.

ORDER

- a) In the event of arrest of the applicant in CR No.I-90-/2018 registered with Narpoli Police Station he shall be enlarged on bail on his executing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- b) He shall attend the concerned police station once a week commencing from 18.11.2019 between 11.00 a.m. to 1.00 p.m. and further as directed by the learned Sessions Judge;
- c) The applicants shall furnish particulars of the address and his mobile number along with sim card to the Investigating Officer within two days from today;
- d) The applicant shall appear before the learned Sessions Court on 25.11.2019.
- e) Application is disposed off in the aforesaid terms.

(SANDEEP K. SHINDE, J.)