

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

CRIMINAL BAIL APPLICATION NO. 2505 OF 2019

Milind Rajaram Hiware ...Applicant

Versus

The State of Maharashtra
Through Nagpada Police Station. ...Respondent

...

Mr. Vivek B. Pandey, Advocate for the Applicant.
Mr. S.R. Agarkar, A.P.P. for the Respondent-State.
Mr. Prabhale, A.P.I., Nagpada Police Station.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 10th DECEMBER 2019.

P.C.

Heard.

2. It is an application for pre-arrest bail.

3. Applicant is a Police Officer. It is alleged that the applicant had promised to secure admission in M.D. Course and as a remuneration, complainant paid Rs. 61,50,000/- to the applicant and other three persons. Since admission was not secured, the subject crime came to be registered on 11th October, 2019.

4. Apprehending the arrest, pre-arrest bail was sought, however learned Sessions Judge rejected the application on 19th October, 2019.

5. On 19th November, 2019, applicant was granted interim relief upon consideration of the following submissions:

(i) that co-accused have returned entire remuneration Rs. 61,50,000/- to the complainant by a cheque;

(ii) the co-accused were released on bail by the learned Sessions Judge and (iii) the applicant has been exonerated in the departmental enquiry then initiated on the same set of allegations.

6. On 20th November, 2019, Mr. Pandey, learned Counsel for the applicant, mentioned the matter and submitted inadvertently he made a statement on a previous day, that the co-accused were granted bail by the learned Sessions Court.

7. Today, application is taken up for hearing.

Learned APP has pointed out that the statement made by the learned Counsel for the applicant that the the applicant has been exonerated in the departmental enquiry is incorrect. Learned APP submitted the applicant is suspended from since on 19th November, 2019 and when this fact was pointed out. Counsel for the the applicant handed over a suspension order dated 19th November, 2019. It is taken on record and marked **'X-1' for identification**. It shows the statement made by the Counsel for the applicant, that the applicant is exonerated in departmental enquiry was incorrect and misleading. Besides interim relief was granted on consideration of submission that the co-accused were released on bail. Further it is pointed out by the learned APP, that the cheque for Rs. 61,50,000/- issued in the name of the complainant is dishonoured.

8. Thus, all three submissions made while granting interim relief were incorrect. On merit, no case is made out for granting pre-arrest bail. The applicant is Police Officer and accusations against

him are serious in nature. In view thereof, the application is rejected.

9. I am satisfied that, Mr. A.B. Pandey, learned Counsel for the applicant has persuaded, this Court to grant interim relief on incorrect submissions. In this view of the matter, office is directed to forward a copy of this order to the Bar Council of Maharashtra for initiating appropriate disciplinary action against the Advocate A.B. Pandey as per law.

10. Application is rejected and disposed of.

(SANDEEP. K. SHINDE, J.)