

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.644 OF 2020

**BHAIYYA YASHWANT GUJELA AND ANR
VERSUS
THE STATE OF MAHARASHTRA**

Mr.A.B. Girase h/f. Mr.M.S. Sonawane, Advocate for the applicants.

Mr.V.M. Kagne, APP for the respondent/State.

CORAM : V.L.ACHLIYA,J.

DATED : 27.10.2020

P.C. :-

01. The applicants apprehending arrest in Crime No.59 of 2020 registered with Dhule Taluka Police Station, Dist.Dhule for committing offences punishable under sections 406, 420, 120-B, 467, 468 of the Indian Penal Code and sections 3,4 and 5 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and Section 4,5, and 6 of the Chit Funds and Money Circulation Act, 1978, have preferred this application seeking pre-arrest bail.

02. Mr. Girase, learned Counsel for the applicants not pressed the application to the extent of applicant No.1 – Bhaiyya Yashwant Gujela, in view of his surrender before the Investigating Officer. Accordingly, the

application is disposed of to the extent of applicant No.1, as infructuous.

03. Mr. Girase, learned Counsel for applicant No.2 submits that applicant No.2 is neither prime accused nor director of any bank or company wherein the informant and another claims to have invested the amount. It is submitted that the role attributed to the applicant in commission of offence is as an agent of the prime accused. In view of filing of charge-sheet showing applicant No.2 as absconding accused, the learned Counsel sought leave to withdraw the application with liberty to surrender before the concerned Court and to apply for regular bail in order to facilitate the applicant to surrender before the concerned Court. The learned Counsel urged to grant limited protection to applicant No.2.

04. In view of above, the following order is passed.

O R D E R

(i) The application is disposed of as infructuous to the extent of applicant No.1.

(ii) Leave granted to applicant No.2 to withdraw the application with liberty as prayed for. The application is disposed of as withdrawn to the extent of applicant No.2.

(iii) The applicant No.2 is granted time till 05.11.2020 to surrender before the designated/regular Court, wherein the charge-sheet has been filed and the case is pending.

(iv) No coercive action shall be taken against applicant No.2 till 05.11.2020 or till surrender of the applicant, whichever is earlier in above referred crime.

(v) In case applicant No.2 surrendered and applied for regular bail, then the concerned Court is directed to decide the same on its own merit, without influenced by the order of rejection of anticipatory bail by the Sessions Court.

[V.L.ACHLIYA,J.]