

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 479 OF 2020

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Majidali @ Guddu Mansurali
Shaikh

....Applicant

V/s.

The State of Maharashtra

....Respondent

* * * *

Mr. Pankaj More i/by. Mr. Sukrut Mhatre,
Advocate for the applicant.

Ms. Prajakta Shinde, APP for State.

CORAM : SANDEEP K. SHINDE, J.

**Friday, 23rd October, 2020.
(through Video conference).**

P.C . . :

1. Heard learned Counsel for the
applicant and learned APP for State.

2. Apprehending arrest in connection with Crime No.893/2014 registered with Mahatma Phule Police Station, Kalyan for the offences punishable under sections 406, 420, 467, 468, 471 read with Section 34 of the Indian Penal code, the applicant is seeking pre-arrest bail.

3. At the outset, learned APP has relied on the judgment of the Hon'ble Apex Court in the case of **Madhya Pradesh V/s. Pradeep Sharma, reported in AIR (2014) SCC 626** wherein it is held that "a person who is declared absconder/offender is not entitled to anticipatory bail".

4. Learned APP in support of her contention has placed on record, order dated 28th March, 2018 passed by Judicial Magistrate First Class, Kalyan under Section 85 of the Criminal Procedure Code whereby applicant's property has been attached. I have perused the order which makes it clear that the applicant

was absconder/offender. This fact was not brought to the notice by the applicant when he was heard by this Court. It amounts to suppression of vital fact. Be that as it may, on 30th September, 2020 after hearing the applicant at length, he was directed to report to the Investigating Officer on 1st, 3rd and 5th September, 2020 between 11:00 to 1:00 p.m. and the application was posted for consideration on 9th October, 2020 and in the meantime, the applicant was granted interim protection.

5. Learned APP submits, that, applicant has not attended or reported to the Investigating Officer, as directed. Further, it is brought to my notice that, on 9th October, 2020 when application was to be heard on merit, Counsel for the applicant was not present. The facts of the case, therefore clearly shows that, the applicant is avoiding the investigation and not complied with the directions issued by this Court. Besides, the applicant did not disclose in his application

about the attachment of his property and issuance of the proclamation against him. Thus, in view of the facts aforesaid, and also in view of judgment of the Apex Court in the case of *Pradeep Sharma* (supra), applications deserve no consideration. The same are rejected.

Neeta
S.
Sawant

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signed by
Neeta S.
Sawant
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(SANDEEP K. SHINDE, J.)