

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

Amk

ANTICIPATORY BAIL APPLICATION NO. 1048 OF 2021

Ramesh @ Ravi Ramchand Valecha .. Applicant
Vs.
The State of Maharashtra .. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 915 OF 2021**

Godhumal Naraindas Kishnani .. Applicant
Vs.
The State of Maharashtra .. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 916 OF 2021**

Praveen Godhumal Kishnani .. Applicant
Vs.
The State of Maharashtra .. Respondent

Mr. Subhash Jha i/b Law Global for the Applicant in ABA 1048/21.
Mr. Manoj Mohite, Senior Advocate a/w. Chaitanya Pendse for the
Applicant in ABA 915/21 & 916/21.
Ms. Minal Chandnani for the Intervener.
Mr. A. R. Kapadnis, APP for the Respondent-State.
ACP, J. D. More, Dombivli Police Station present.

CORAM : PRAKASH D. NAIK, J.
DATE : 11th JUNE, 2021.

P. C. :

1. The applicants in these applications were apprehending arrest in C. R. No. I-49/2020 registered with Khadakpada Police Station, Kalyan on 28.02.2020 for the offence under Section 302 read with Section 34 of the Indian Penal Code.
2. The investigation had proceeded and 'C' summary report dated 01.10.2020 was filed before the Court of JMFC, Kalyan. The report was not accepted and further investigation was directed. In view of

apprehension of arrest on account of further investigation directed by order dated 14.12.2020, applicants preferred application for anticipatory bail.

3. Learned APP placed on record the report dated 08.06.2021 submitted by the Investigating Officer and on instructions from Police Officer present in Court contended that in accordance with the directions issued by the concerned Court further investigation was conducted and the Investigating Officer did not find any evidence and 'A' summary report in that regard would be submitted to the Court. However, since these applications are pending before this Court and in view of decision of the Apex Court in the case of **Rukmani Mahato Vs. The State of Jharkhand in Appeal (Crl.) No. 2411/2016** report was not submitted to the Court. Police report dated 08.06.2021 is taken on record and marked 'X' for identification.

4. Learned Counsel for the applicants submitted in view of submission of learned APP and in the light of police report, there is no apprehension of arrest. The report of investigation is yet to be filed before the concerned Court and in the event of apprehension of arrest, the applicants may be granted liberty to prefer the application for anticipatory bail. However, the Investigating Officer be directed to give notice of 5 working days in advance in the event police intend to arrest applicants. These applications may be disposed of. Learned Counsel for the Intervener submits that the earlier 'C' summary report was not accepted by the Court. The current report would be submitted for consideration before concerned Court.

5. Considering the submissions of both sides, these applications can be disposed of with liberty as prayed for. Hence, the order:

ORDER

- (i) Applications are disposed of.
- (ii) In the event of apprehension of arrest in C.R. No. I-49/2021

registered with Khadakpada Police Station, Kalyan the applicants will be at liberty to prefer application for anticipatory bail before the appropriate Court.

- (iii) In the event the Investigating Officer intend to arrest applicants on account of change in circumstances, 5 days advance notice in writing be given to the applicants.

[PRAKASH D. NAIK, J.]