

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 448 OF 2021

Arun Annasaheb Deshmukh

...Appellant

**Versus**

The State of Maharashtra and Ors.

...Respondents

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Dr. Uday Warunjikar, for the Appellant.

Mr. J.P. Yagnik, APP, for the Respondent – State.

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CORAM : PRASANNA B. VARALE &  
N.R. BORKAR, JJ.

DATE : MAY 11, 2021.  
(VACATION COURT)

PER COURT :

1. Heard learned Counsel for the Appellant.
2. By inviting our attention to the first information report lodged at the instance of Respondent No. 2 – Ramesh Bhalerao, learned Counsel for the Appellant vehemently submitted that even taking a report on its face value it would show that except notarizing a document the appellant has not committed any act leave aside any illegal act as alleged in the report. Learned Counsel for the Appellant then submitted that the appellant who is a practicing lawyer having practiced over 30 years was appointed as a notary and in the year 2001 a document was notarized. Learned Counsel then submitted that the Respondent No. 2 stated in the report that he sensed some foul play in the year 2004 when he had approached the authority. It is submitted by the

learned Counsel for the Appellant that even taking sequence of events as stated in the report the report is lodged with an unexplained and inordinate delay. Learned Counsel for the Appellant then submitted that the appellant apprehending his arrest had approached the learned District and Sessions Judge, Pune by filing Criminal Misc. Application No. 1893 of 2021. Learned Counsel for the Appellant then invited our attention to the grounds raised in the application and more particularly, ground nos. 4 to 8 to submit that except notarizing the document neither any mischief nor any illegality is committed by the appellant and as such, the appellant is prayed for anticipatory bail.

3. Learned Counsel for the Appellant then invited our attention to the order passed by the Division Bench of this Court dated 27<sup>th</sup> April, 2021, in Writ Petition filed at the instance of present appellant. The copy of the said order is placed on record at Exhibit – E. By order dated 27<sup>th</sup> April, 2021, the Division Bench of this Court issued notice to the Respondents. It was directed to the Investigating Officer to proceed with the investigation, however, directed not to file charge-sheet without seeking leave of this Court, till next date.

4. Learned Counsel for Appellant then submitted that during the pendency of the main application i.e., Criminal Bail Application No. 1893/2021, the applicant filed interim anticipatory bail application and the

same was rejected by order dated 03<sup>rd</sup> May, 2021. Learned Counsel for Appellant prayed for protection of the appellant by way of grant of interim bail. Learned Counsel for Appellant further submitted that the appellant is a law abiding citizen and practicing advocate in the Court of law. There are no criminal antecedents against the appellant and there cannot be any apprehension that the the appellant would not available for the respondent authorities for investigating purpose. On the contrary, arrest of the applicant would cause a serious prejudice to the appellant and there would an irreparable damage to his hard earned reputation, if the appellant is not protected.

5. Learned Counsel for the Appellant further submitted that he is approaching this Court with a limited prayer of his protection till the decision of main application which is pending before the learned Sessions Judge, Pune and by such interim protection no prejudice would be caused to the Respondents.

6. On perusal of the report as well as the copy of the order of this Court and the copy of the order passed by the learned Special Judge dated 06.05.2021, we find considerable merit in the submissions of learned Counsel for Appellant. It is not in dispute that the main application for anticipatory bail is pending before the learned Special Judge, Pune and though the

investigating officer is permitted to proceed with the investigation but is directed not to file charge-sheet.

7. In view of these facts, we deem it appropriate to dispense with the issuance of notice to Respondent No. 2. *Prima facie* case is made out hence, we pass the following order.

### ORDER

- A. Criminal Appeal is allowed in terms of prayer clause A.
- B. In the event of arrest, the Appellant be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties in the like amount.
- C. The appellant is directed to attend the concerned police station on each Sunday between 11:00 am to 01: 00 pm from 11<sup>th</sup> May, 2021 to 01<sup>st</sup> June, 2021 and maintain diary of his attendance duly counter signed by the police station officer.
- D. Learned Special Judge and Additional Sessions Judge, Pune is directed to decide the Criminal Bail Application No. 1893/2021 as early as possible and not later than six weeks from today.
- E. Needless to state that as our observations are prima facie in nature, the learned Special Judge is not to be influenced by these observations while deciding the main application.

(N.R. BORKAR, J.)

(PRASANNA B. VARALE, J.)