

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2026 OF 2019

Nitesh Hiro Khemlani	... Applicant
V/s.	
The State of Maharashtra	... Respondent

None for the Applicant.
Mr.Y.M. Nakhawa, A.P.P for Respondent-State.
Mr.Dharade, (A.P.I.), DCB, CID Unit-9 (Investigating Officer).

CORAM : A.S. GADKARI, J.
DATE : 7th August, 2021.

PC. :

1. None for Applicant.

Heard Mr. Nakhawa, learned A.P.P for the State. Perused record.
2. By an Order dated 18th September 2019, the Applicant was granted interim relief by imposing certain conditions. Condition Nos. (ii) and (iii) imposed upon the Applicant read as under:-

“(ii) The Applicant shall report to the Investigating Officer of the concerned Police Station on 23rd, 24th and 25th September, 2019 from 10.00 a.m. to 1.00 p.m., and thereafter, as and when called;

(iii) The Applicant to surrender his mobile phone, which he was using during the relevant period, to the Investigating Officer.”

3. Learned A.P.P. on instructions from the Investigating Officer Mr. Dharade, (A.P.I.), DCB CID, Unit-9, submitted that, the Applicant has not complied with the said conditions. That, the Applicant did not attend the Investigating Officer on stipulated dates and also has not surrendered his mobile phone till today.

A report dated 7th August, 2021 signed by Senior Inspector of Police, Zone-9, DCB CID, Bandra (W), Mumbai addressed to the Public Prosecutor is produced on record. In the said report, it is categorically stated that, the Applicant has not attended the Investigating Officer and has also not surrendered his mobile phone for the purpose of investigation. That, the Applicant has also not co-operated in the process of investigation.

4. In view of the fact that, the Applicant has failed to comply with the directions issued by this Court by its Order dated 18th September, 2019, the Applicant does not deserve to be protected further by the relief of pre-arrest bail.

5. Application is accordingly dismissed.

[A.S. GADKARI, J.]