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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2346 OF 2018

1. Vishwasrao Anna Chavan	
2. Suresh Pralhad Patil	...Applicants
Versus	
The State of Maharashtra	...Respondent

ALONGWITH
ANTICIPATORY BAIL APPLICATION NO. 2348 OF 2018

1. Ramesh Lakhulal Chaurasia	
2. Achal Ramesh Chaurasia	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Saurabh Kshirsagar i/b Mr. Tejas Dhotre for the Applicants in ABA 2346 of 2018.

None for the Applicants in ABA No. 2348 of 2018.

Ms. P.P.Shinde, A.P.P for the Respondent-State.

Mr. Gajanan Kamble, APP from Sangli City Police Station.

CORAM : REVATI MOHITE DERE, J.
DATE : 11th AUGUST, 2021

P.C. :

1. Learned Counsel Mr. Kshirsagar h/f Mr. Tejas Dhotre

appearing for the Applicants in ABA No. 2346 of 2018 states that the Applicant No.1 has expired.

2. Learned APP does not dispute the same. Learned APP has tendered the Death Certificate of the Applicant No.1. The same is taken on record. In view of the same, nothing survives for consideration as against the Applicant No.1 vis-a-vis his prayer for pre-arrest bail.

3. As far as Applicant No.2 is concerned, the said Applicant seeks pre-arrest bail in connection with C.R.No. 217 of 2018 registered with the Ashta Police Station, Sangli City, for the alleged offences punishable under Sections 420, 467, 468, 506 read with 34 of the Indian Penal Code and Sections 39, 42 and 45 of the Maharashtra Money-Lending (Regulation) Act, 2014.

4. Vide order dated 14th November, 2018, this Court (Coram : M.S.Karnik, J) granted interim protection to the Applicants on certain terms and conditions.

5. Learned APP, on telephonic instructions, states that chargesheet has been filed in the said case as against the Applicant No.2.

6. The contention of the learned Counsel for the Applicant No.2 is that the transaction between the Applicant No.1 and the Complainant was a business transaction and as such, no offence as alleged is made out as against the Applicant. Learned Counsel further submits that proceeding under Section 138 of the Negotiable Instruments Act has been initiated by the complainant with respect to the alleged transaction. It is not in dispute that the investigation is complete and chargesheet has been filed as against the Applicant No.2.

7. Considering the aforesaid, custodial interrogation of the Applicant No.2 is not warranted. Accordingly, the interim protection granted vide order dated 14th November, 2018 stands confirmed on the following terms and conditions;

ORDER

(i) In the event of the arrest, the Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any,

from time to time, to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicant to co-operate in the conduct of the trial;

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are prima facie, for the purpose of deciding this application.

10. Anticipatory Bail Application No. 2348 of 2018 to be detagged from the aforesaid application and the same be placed for admission on 18th August, 2021.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.