

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 615 OF 2021

Rameshwar Pawar Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. Mahesh Rai, Advocate for the applicant
Mr. V.A. Thakare, APP for the non-applicant / State

CORAM : VM.DESHPANDE, J.

DATE : 9th DECEMBER, 2021.

This is an application for grant of pre-arrest bail since the applicant is apprehending his arrest in connection with Crime No.558/2021, registered with Police Station Warora, District Chandrapur for the offence punishable under Section 393 read with Section 34 of the Indian Penal Code.

2. The non-applicant / State has also filed reply and also the learned Additional Public Prosecutor is having the investigation papers with him, which are tendered for my perusal.

3. The applicant was protected by this Court (Coram : Vinay Joshi, J.) on 17/09/2021 on a condition that the applicant shall attend Police Station, Warora on every Sunday in between 11:00 AM to 2:00 PM, until further orders.

4. Apart from the merit, the learned Additional Public Prosecutor has pointed out from the affidavit filed on behalf of the Investigating Officer that the applicant has failed to attend Police Station on 17/09/2021 and 26/09/2021. The reply was handed over to the learned counsel for the applicant well in advance. However, till today, the statement made on oath by the Investigating Officer is not controverted at all. From the statement of the Investigating Officer, it is clear that the applicant had flouted the directions given to him by this Court and has misused the liberty.

5. Further, the learned Additional Public Prosecutor also pointed out to me that on one day when the applicant attended the Police Station, his statement was recorded. From his statement, learned Additional Public Prosecutor pointed out that the applicant is giving elusive replies and he is not extending any co-operation to the Investigating Officer. After perusing the diary statement, I found substance in the submissions made by the learned Additional Public Prosecutor.

6. The learned counsel for the applicant submitted that other co-accused are already released on bail, however, they are not released on anticipatory bail, but, they are released on regular bail. Consideration of a bail application for anticipatory bail and the regular bail are altogether different.

7. Considering the nature of the accusations made against the applicant in the prosecution case and

the applicant is not only extending any co-operation but he is also blatantly flouting the orders, in my view, applicant's interim protection needs to be vacated and on merit there is nothing in favour of the applicant and the application requires to be dismissed. Resultantly, I pass the following order.

ORDER

- i. The application is dismissed.
 - ii. The interim order passed by this Court on 17/09/2021, stands vacated immediately.
8. Needless to mention, law to take its own course.

JUDGE

MP Deshpande