

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

ANTICIPATORY BAIL APPLICATION NO.195 OF 2022

Yogesh Shreeram Varma Applicant
Versus
The State of Maharashtra Respondent

Mr. Deepak R. Patel, Advocate h/f. Krishna R. Singh, for the Applicant.

Ms. Sharmila S. Kaushik, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd FEBRUARY, 2022

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.717/2021 registered at Kashimira Police Station on under Section 420 read with 34 of the Indian Penal Code.

2. Heard Shri Deepak Patel, learned counsel for the applicant and Ms. Sharmila Kaushik, learned APP for the State.

3. At the outset, it must be mentioned that the applicant's anticipatory bail application on merits was rejected

by a coordinate bench of this Court (Coram: Nitin W. Sambre, J.) vide order dated 4.12.2021. Thereafter the police went to arrest him on 26.12.2021. He complained of chest pain. He was admitted to hospital.

4. After taking some treatment he preferred this application purely on medical ground. Therefore, I had called for the report and passed an order on 25.1.2022 granting him ad-interim protection. I had observed that to enable the investigating agency to verify the applicant's claim and to decide whether his arrest will serve any purpose considering his medical issue the matter was adjourned.

5. The investigating officer has filed affidavit in this case. They have annexed a report of the doctor treating the applicant which more or less supports his claim. The investigating agency through the Assistant Police Inspector, Kashmirira police station has mentioned in the affidavit that in view of the fact that the applicant's medical condition is critical, taking him into police custody would not be possible for the investigating agency.

6. In view of this clear statement of the investigating agency the applicant can be granted protection of anticipatory bail as the investigating agency itself does not want to arrest him. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.717/2021 registered with Kashimira Police Station, the applicant is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

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by
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Deshmane (PS)