

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.676 OF 2020**

Jatinkumar Ashokkumar Jain .. Applicant

Versus

The State of Maharashtra .. Respondent

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Ms.Racheeta Dhuru for the Applicant.

Ms.Rutuja Ambekar, A.P.P. for the State/Respondent.

API Sandip Mhaske, attached to Borivali Police Station, present.

Applicant present in the Court.

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CORAM: BHARATI DANGRE, J.

DATED : 21st SEPTEMBER, 2022

P.C:-

1. On 19/03/2020, the applicant was directed not to be arrested and, thereafter, the application was not listed.

2. Learned A.P.P. states that in the two criminal writ petitions filed by the co-accused Rajesh Kumar, interim relief has been granted and, therefore, charge-sheet is not filed.

When the copy of writ issued in the writ petition is perused, it can be seen that the order passed by this Court is only limited to the co-accused Rajesh Kumar and the prosecution was directed not to file charge-sheet against him.

Nothing stopped the Investigating Officer from carrying out further investigation as regards the other co-accused. However, it appears that harping under the impression that he has been directed not to file charge-sheet by the Division Bench of this Court, the Officer has not taken the investigation further. When asked, why the custodial interrogation of the applicant is necessary after two years, the lock-stock-and-barrel answer is, he should hand over some papers.

3. Looking to the accusations faced by the applicant, and, since Sections invoked are 420, 511 read with Section 34 of I.P.C., it is imperative for the Investigating Officer to follow the mandate of Section 41A of Cr.P.C. in terms of the decision of the Hon'ble Supreme Court in the case of ***Satender Kumar Antil Vs. CBI & Anr.***¹

In any case, the applicant is enjoying the protection from March 2020 and, since, more than two years have elapsed, I deem it appropriate to confirm the said protection, subject to the stipulation that he shall render his co-operation in the investigation.

Learned counsel for the applicant has invited my attention to the caption of the order dated 19/03/2020, where

¹ AIR 2022 SC 3386

the name of the applicant has been inadvertently mentioned as “Jatoinkumar”. Let the correct name be reflected in the order sheet.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.303 of 2018 registered with Borivali Police Station, applicant-Jatinkumar Ashokkumar Jain shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall report to the concerned police station as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)