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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2591 OF 2021

DEVANAND SOMAYYA SHETTYAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

WITH

INTERIM APPLICATION NO. 97 OF 2022

IN

ANTICIPATORY BAIL APPLICATION NO. 2591 OF 2021

KAMLAKAR RATNAKAR SHENOYAPPLICANT

IN THE MATTER BETWEEN

DEVANAND SOMAYYA SHETTYAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

Mr. Hrishikesh Mundargi i/b Paavani Chadha advocate for the Applicant

Ms. Siddhi Bhosale for the intervener

Smt. M. R. Tidke APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 1, 2022.

P.C.:

- 1) Applicant is seeking pre-arrest bail in Crime No. 55 of 2021 registered with Dongri Police Station for offence punishable under Sections 406, 420 of the Indian Penal Code.
- 2) It appears that Applicant has not cooperated with in investigation as such, pursuant to request of learned APP, Applicant was directed to remain personally present before this Court. Though number of chances given, Applicant failed to appear before this Court. Apart from above, it is informed by Mr. Mundargi, learned counsel appearing for the Applicant that Applicant is available before the Court through video conferencing.
- 3) Directions to remain personally present before the Court was pursuant to the objection raised by the learned APP at the time of hearing of the bail application, which Applicant has not complied. Even today also, Applicant has successfully evaded his physical presence before the Court and has tried to log in through video conferencing. Said conduct/default of the Applicant does not deserve any consideration for grant of pre-arrest bail as it has to be inferred that Applicant is not willing to cooperate/participate in investigation.

4) Apart from above, Applicant has made a statement before this Court of depositing the amount as reflected in the order dated 04/10/2021. Said order is not complied with by the Applicant till this date. By making incorrect statement/giving false undertaking before this Court, Applicant has enjoyed Ad-interim protection.

5) In the aforesaid background, the contention of the learned counsel for the Applicant that there is subsequent development in the form of advancement of trial in prosecution under 138 of Negotiable Instruments Act and proceedings before Civil Court will be of hardly any significance. No case for bail is made out. Application stands rejected.

6) As a consequence, Interim Application also stands disposed of.

[NITIN W. SAMBRE, J.]