

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 3188 OF 2021

The State of Maharashtra ... Respondent

Ms. S.V. Sonawane- APP for the respondent-State.

DATED : FEBRUARY 9, 2022.

P.C. :

1. The applicant is seeking pre-arrest bail in Crime No. 9 of 2013 registered at Satpur Police Station, Nashik for the offence punishable under section 420 read with 34 of Indian Penal Code.
2. The earlier application was rejected by this Court vide order dated 30th July 2018. However, the applicant has not been arrested. The learned counsel for the applicant has vehemently submitted that on 5th May 2017 he was summoned by the police under section 160 of Cr.PC. along with the papers. The applicant had submitted, that he would submit his bank statement on a subsequent date as he has submitted those papers before the Economic Offence Wing. The learned counsel has also drawn attention of this Court to the statement of accused-applicant recorded on 4.10.2016 to demonstrate before the Court as to how he has been victimised and

that he is innocent. However, the statement of the prospective accused cannot be taken into consideration by this Court especially when the application was rejected on merits.

3. In view of this, the applicant shall appear before the Judicial Magistrate First Class, Satpur, Nashik on or before 21st February 2022 and shall file an application for bail. In the eventuality, that the applicant does not appear before the Magistrate the investigating machinery would be at liberty to arrest the accused.

4. In view of the above directions, the applicant is protected and no coercive steps shall be taken against the applicant till 5.00p.m. of 21st February 2022.

5. The learned APP shall communicate this order to the Superintendent of Police, Rural Nashik and call for the report.

6. The learned Magistrate shall dispose of the said application expeditiously. The learned Magistrate shall not be influenced by the order passed by this Court while issuing the above directions.

(SMT. SADHANA S. JADHAV, J)