

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.774 OF 2022

Avaneesh Parasar	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr. Nagesh Khedkar with Mr. H.S. Pawaskar i/by Mr. Shailesh N. Kharat for the applicant.

Mr. Pandurang H. Gaikwad, APP for the respondent No.1/State.

Mr. Sachin Khandagale for the respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : JUNE 21, 2023

P.C.:

1. The applicant is apprehending arrest in connection with C.R. No.9 of 2022, registered with Sahkarnagar Police Station, District Pune for offence punishable under section 420 of the Indian Penal Code, 1860.
2. The allegation against the applicant is that he promised handsome returns to the informant and accepted various amounts from her on the ground that he will invest it in stock market. He refused to repay the amount.
3. Learned Sessions Court rejected the application. This Court by order dated 23rd March 2022, protected the applicant subject to

condition that he shall cooperate with the investigating agency and in the event of breach of any of the conditions, interim protection stands vacated.

4. This Court on 22nd July 2022, directed the applicant to remain present on the next date before the Court, failing which it was directed that interim protection shall stand vacated automatically. The applicant did not remain present before this Court.

5. On 29th March 2023, this Court again directed the applicant to attend police station concerned on 10th and 11th April 2023 and cooperate with the investigation; however, he has not complied with the said condition. On 20th April 2023, the Court noted that despite order, the applicant failed to comply with the order and, therefore, this Court vacated the interim order.

6. The power under section 438 of the Criminal Procedure Code, 1973 is discretionary. Conduct of the applicant is relevant consideration. Material on record indicates that despite order of the Court, the applicant has failed to remain present before this Court nor has cooperated with the investigation. Hence, the discretionary relief cannot be granted to the applicant.

7. The anticipatory bail application is, therefore, rejected.

(AMIT BORKAR, J.)