

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1003 OF 2022

Sachinbhai Purushottambhai Valera ... Applicant

Versus

The State of Maharashtra and another ... Respondents

.....

Ms. Sunayana Kashid instructed by Mr. Vedchetan Patil for the Applicant.

Mr. Amit Palkar, APP for the State.

Mr. Chetan Deshmukh for Respondent No.2.

.....

CORAM : N.R. BORKAR, J.

DATED : 15 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 47 of 2022 registered at Gangapur Police Station, for the offences punishable under Sections 409, 417, 420, 465, 468, 470, 471, 504, 506 r/w. 34 of Indian Penal Code.

3. On 19 January 2023, this Court passed the following order :

“1. Considering the nature of offence, the applicant shall make the complainant as party respondent to the present application. Necessary amendment shall be carried out forthwith.

2. Issue notice to the added respondent.

3. Considering the nature of allegations against the

present applicant, it would be appropriate to grant opportunity to the applicant to explain the incriminating material, if any, against him. For that purpose, the applicant shall attend the concerned police station from 1st February 2023 to 3rd February 2023 between 11:00 a.m. and 2:00 p.m.

4. List the application on 15 February 2023. In the meantime, the applicant shall not be arrested.”

4. The learned APP submits that by the aforesaid order while protecting the applicant from arrest, this Court directed the applicant to attend the concerned police station from 1 February 2023 to 3 February 2023. However, the applicant has not attended the police station as directed by this Court. The learned Counsel for the applicant submits that efforts were made to contact the applicant and communicate the order to him, however, he could not be contacted. When applicant is seeking anticipatory bail, he should have been in constant touch with his Advocate on record. From the facts and circumstances, the only inference, which can be drawn is that the applicant is not interested in prosecuting the present application. The application is dismissed for want of prosecution.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2023.02.17
14:09:25 +0530