

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

ANTICIPATORY BAIL APPLICATION NO.1922 OF 2019

Sachin Hanumant Kolekar ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1923 OF 2019**

Harish Rama Mandavikar ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

...

Mr. Pankaj Kamble h/f Mr. Milan Desai i/b. Mr. T.R. Patel for the Applicant.

Ms A.A. Takalkar, APP for Respondent-State.

None for the Respondent No.2.

Mr. Vijay Madaye, PI, Borivali Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th APRIL, 2023.

P. C. :-

1. By these applications filed under Section 438 of the Cr.P.C. the Applicants seek pre-arrest bail in C.R. No.81 of 2019 registered with Borivali Police Station, Mumbai, for the offences punishable under Section 387 r/w 34 of the IPC.

2. Heard Mr. Kamble, learned counsel for the Applicant and Ms A.A. Takalkar, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records reveal that the Applicants were protected by the learned Sessions Judge during the pendency of the application filed before the Sessions Court. The said order was continued by this Court (Coram : Revati Mohite Dere, J.) by order dated 30/08/2019. The Applicants were directed to report to the Investigating Officer.

4. Learned APP states that the Applicants have reported to the Investigating Officer and that the investigation has been completed except for receipt of the Chemical Analysis report. No satisfactory explanation is given for not obtaining the CA report since the crime was registered in the year 2019. It is stated that till date CA report is not received despite several reminders. This should not prevent the Investigating Agency from filing the charge-sheet as speedy trial, which is an implicit right under Article 21, encompasses speedy investigation.

5. Since the investigation and the trial is being delayed in

view of non-receipt of the CA report, Director, FSL, Kalina, Santacruz (East), Mumbai is directed to ensure that the CA reports are forwarded to the Investigating Officer expeditiously.

6. Learned APP states that the Applicants have criminal antecedents. She concedes that no crime is registered against the Applicants during the period that they were on interim bail. Considering the said fact and particularly the facts that the investigation has been completed, the applications are allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicants in C.R. No.81 of 2019 registered with Borivali Police Station, Mumbai, the Applicants shall be released on PR bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount;
- (ii) The Applicants shall report to the concerned Investigating Officer as and when required by the Investigating Officer;
- (iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

(iv) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

7. The Applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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