

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 1031 OF 2022**

Nagesh Avinash Deshmane

.....Appellant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Rushikesh Kale for the Appellant.

Mr. Ajay Patil APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 24th FEBRUARY, 2023.

P.C.:-

Mr. Patil, learned APP submitted that, Respondent No.2 has subsequently been impleaded as an accused in the present crime and therefore her presence in the present Appeal is not necessary.

2) Heard learned counsel for the Appellant and learned APP. Perused record.

3) By a speaking Order dated 18th October, 2022, Appellant was granted interim relief.

4) Perusal of record indicates that, Appellant is not beneficiary of proceeds of crime. He has been impleaded in the present crime only because he helped his friend Ratnadeep Jadhav (Co-accused) in depositing certain amount in the Appellant's own account.

The said amount was subsequently handed over to Ratnadeep Jadhav by the Appellant. Apart from the said fact, there is no other material to indict the Appellant in the present crime.

5) In view of the above, the Appellant can be protected by pre-arrest bail. Hence, the following order-

ORDER

- (a) Interim relief granted by Order dated 18th October, 2022 is confirmed.
- (b) Order dated 20th September, 2022 passed in Anticipatory Bail Application No.1026 of 2022 by the learned Special Judge, Solapur is set aside.
- (c) Appeal is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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