

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3263 OF 2023

Subhash Shankar Gurav

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. K.K. Sonawane, Advocate for the Applicant.

Mr. Y.Y. Dabke, APP for the Respondent-State.

Mr. Cleanio Carvalho Informant present in the Court.

WPSI P.B. Sadalkar, Vitthalwadi Police Station present in the Court.

CORAM: M.M.SATHAYE J.

DATE : 16th NOVEMBER 2023

(Vacation Court)

PC. :

1. This is an interesting Application for anticipatory bail filed by the Applicant.

2. Vide Order dated 04/11/2023, passed by the Additional Sessions Judge and Special Judge, Kalyan, Applicant's anticipatory bail application (ABA No. 1797/2023) has been rejected. The said Order records Crime No. 559 of 2023 registered with Vitthalwadi Police Station for offences punishable under Sections 420, 406 r/w Section 34 of the Indian Penal Code.

3. Today the Investigating Officer as well as the Informant, are present in the Court. The informant is identified by the Investigating Officer, who is identified by the learned APP. The

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learned APP, on instructions from the Investigating Officer, has made a clear statement that there is no FIR filed against the present Applicant as on today, but the informant has filed a simple application, and therefore there is no question of apprehension of arrest in the present matter. If that be so, on what basis the Order of the learned Sessions' Judge makes a reference to crime number and offences, is not understood. Be that as it may.

4. In view of the statement made by the learned APP that there is no FIR filed against the present Applicant as on today, this application can be disposed of by passing following order :

ORDER

(a) It is directed that in case an FIR is to be filed against the Applicant Subhash Shankar Gurav, at the instance of the informant Mr. Cleanio Carvalho, at least 48 hours notice shall be given to the Applicant.

(b) Anticipatory Bail Application is disposed of accordingly.

5. All concerned to act upon authenticated or digitally signed copy of this order.

[M.M.SATHAYE,J.]