

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 3563 OF 2022

Pradeep Ramakant Chaube	...Applicant
Vs.	
State of Maharashtra	...Respondent

Mr. Shri Chaitanya Pendse a/w. Mr. Shailesh Chavan, for
Applicant.

Ms. Veera Shinde, APP for the Respondent/ State.

CORAM:- N. J. JAMADAR, J.

DATED:- 7th FEBRUARY, 2023

PC:-

- 1) This is a second application for pre-arrest bail.
- 2) By an order dated 29th June, 2022, this Court had rejected first application being Anticipatory Bail Application No. 150 of 2022.
- 3) The leaned Counsel for the applicant submits that after the rejection of the application, the applicant appeared before the Investigating Officer. However, on account of ill-health of the applicant, the Investigating Officer did not arrest the applicant. A

statement of the applicant, recorded on 28th November, 2022, along with the copies of the medical papers are annexed to the application.

4) The statement indicates that the applicant had appeared before the Investigating Officer on 28th September, 2022 and 28th November, 2022, on his own. However, the Investigating Officer thought it appropriate not to arrest the applicant as he had elevated Blood Pressure.

5) When the matter was first listed before this Court on 12th January, 2023, the learned APP had made a statement that the investigation is complete and chargesheet was likely to be filed within a weeks time. Thus the application came to be listed on 24th January, 2023. On that day the learned APP, on instructions of the Officer, who was present in Court, submitted that the chargesheet was ready and awaited approval of the Officer. Thus the application came to be posted today.

6) The learned APP, on instructions of the Officer, submits that the same position continues.

7) Evidently, the investigation is complete for intent and purpose. The Applicant had cooperated with the investigation and, in fact, twice appeared before the Investigating Officer, to

facilitate the arrest of the applicant. However, the Investigating Officer did not arrest the applicant as the applicant appeared to be un-well.

8) The Court does not find it appropriate to delve into the propriety of the course adopted by the Investigating Officer in not arresting the applicant on the ground that the Blood Pressure of the applicant was elevated. Nonetheless, the fact remains that the investigation agency does not require the custody of the applicant to facilitate further investigation. The investigation is complete for all intent and purpose. Chargesheet has been prepared. Hence, the custodial interrogation of the applicant does not seem warranted.

9) In the aforesaid circumstances, I am inclined to exercise the discretion in favour of the applicant. Thus the following order.

ORDER

- i) The application stands allowed
- ii) In the event of the arrest of the applicant in CR No.277 of 2021 registered with Kalamboli Police Station for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code

1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.25,000/- and one or two sureties in the like amount.

iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

v) Applicant shall regularly attend the proceedings before the Jurisdictional Court.

Application stands disposed.

[N. J. JAMADAR, J.]