



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1255 OF 2024

Vilas Rambhau Devkate

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. V.D. Sapkal, Senior Advocate i/by. Mr. V.P. Savant, Advocate
for Applicant

Mr. S.B. Jadhav, APP for State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd JULY, 2024

ORDER :

1. By this second application filed under section 438 of Code of Criminal Procedure, applicant seeks anticipatory bail in Crime No. 433/2023 registered with Georai Police Station, Dist. Beed, for offences punishable under sections 420, 468, 471, 409 of Indian Penal Code.

2. Earlier Anticipatory Bail Application No. 359 of 2024 was withdrawn by applicant after arguing at length on merits, when this Court was not inclined to grant relief.

3. Learned Senior Advocate for applicant submits that charge sheet in the present crime is filed on 01.05.2024. By

Bhagyawant Punde

pointing out some of the statements annexed to the charge sheet he submits that applicant has no role to play in the crime and he deserves anticipatory bail.

4. It is pertinent to note that in spite of best possible efforts on the part of informant, FIR was not registered by the police. He then filed criminal case in the Court of learned Judicial Magistrate First Class, Georai and pursuant to the order passed under section 156(3) of Cr.P.C., FIR came be registered on 19.08.2023. Till date, applicant is successful in avoiding arrest in spite of efforts of investigating officer. A proclamation under section 82 and attachment order under section 83 of Cr.P.C. is issued against applicant, however, he could not be arrested.

5. There is no change in circumstance as contended by learned Senior Advocate as charge sheet is filed against applicant under section 299 of Cr.P.C. It is thus clear that investigation to the extent of applicant is yet not complete. Statements pointed by learned Senior Advocate were part of the investigation papers when earlier anticipatory bail application was withdrawn by applicant.

6. Custodial interrogation of applicant is necessary for

effective investigation and to elicit information from the applicant as to whether any other persons are involved in commission of offence. Considering the complicity of applicant in the commission of offence and the fact that applicant is avoiding his arrest since August-2023, this is not fit case to exercise discretion in favour of applicant. Application being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI, J.]