

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

**CRIMINAL APPLICATION NO. 1286 OF 2023
WITH
INTERIM APPLICATION NO. 3460 OF 2023**

SANTOSH
SUBHASH
KULKARNI

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SANTOSH SUBHASH
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Date: 2024.03.21
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Prabhavati Kanhaiyan Devendra ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Manoj Singh, a/w Anjali Tripathi, Puneet Shukla, i/b
MKS Legal Asso., for the Applicant.

Ms. Sandhya Yadav, i/b P. Y. Shankar, for the intervener –
applicant in IA/3460/2023.

Mr. S. R. Aagarkar, APP for the State/Respondent.
API Chemate, Worli Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 20th MARCH, 2024

PC:-

1. Heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for the intervener – first informant.

2. The learned Additional Sessions Judge while releasing the applicant on bail had imposed a condition that the applicant shall produce original copies of the letter dated 25th July, 2022 given to the committee members before the investigating officer. As the applicant could not produce those documents, an application was moved for cancellation of the pre-arrest bail. By an order dated 29th August, 2023

the learned Additional Sessions Judge was persuaded to allow the application and recalled the order of pre-arrest bail dated 25th April, 2023 as the said condition was not complied with.

3. The learned APP, on instructions of the investigating officer Mr. Chemte, who is present in Court, informs the Court that the said letters dated 25th July, 2022 have since been seized during the course of investigation. Copies of those letters were tendered for the perusal of the Court.

4. In the aforesaid view of the matter, since the investigating agency is already in custody of those letters, and it appears that the learned Additional Sessions Judge has granted bail by adverting to the merits of the matter, there is no propriety in cancelling the bail for non-production of the documents as undertaken. I am, therefore, inclined to allow the application and set aside the order passed by the learned Additional Sessions Judge dated 29th August, 2023.

5. Resultantly, the order of pre-arrest bail dated 25th April, 2023 stands restored.

6. Application stands disposed.

[N. J. JAMADAR, J.]