

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1362 OF 2024

Sunil Vishwanath Jadhav ... Applicant

Vs.

State of Maharashtra and another ... Respondents

Mr. Sachin Gite a/w. Mr. Sarfaraj J. Shaikh for Applicant.

Mr. Mayur S. Sonavane, APP for Respondent-State.

Mr. Aniket U. Nikam a/w. Mr. Kuldeep Nikam for Respondent No.2.

Mr. Kailash Santosh Jadhav, PSI, Panchvati Police Station, Nashik.

CORAM : MANISH PITALE, J.

DATE : JUNE 18, 2024

P.C. :

. By an order dated 28.05.2024 passed by the Vacation Court (Coram : Kishore C. Sant, J.), interim relief was granted to the applicant.

2. This Court specifically took note of the fact that the period of the offence, even according to the informant, was between 01.12.2021 and 24.05.2022. On the very same allegation, a departmental enquiry was initiated against the applicant, which resulted in termination of his service in the year 2022 itself. About two years thereafter, the informant, who is the current secretary of the concerned Agricultural Produce Market Committee (APMC) approached the police leading to registration of the FIR dated 11.04.2024. It is apparent that there is indeed delay in registration of the FIR.

3. The learned APP submits that today, the investigating officer is not available and that this Court may grant a short adjournment.

4. The learned counsel for the applicant informs this Court that despite the direction in the order dated 28.05.2024 to the applicant to

attend the concerned police station as and when called, the investigating officer has not called the applicant even once. The learned counsel appearing for the intervenor (informant) submits that there is material to indicate that the then Secretary of the APMC was also involved with the applicant.

5. This Court will consider the submissions on behalf of the intervenor on the next date of hearing. Nonetheless, it is surprising that if that is the stand of the informant i.e. the current secretary of the APMC, in the subject FIR, there does not appear to be any allegation against the then Secretary, who is not even a co-accused with the present applicant.

6. Be that as it may, as a matter of last chance for the investigating officer to give proper instructions to the learned APP, adjourned to 27.06.2024, H.O.B.

7. The interim order shall continue to operate till then.

(MANISH PITALE, J.)

Minal Parab