

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2247 OF 2016  
IN  
SPECIAL CASE A.C.B. NO.28 OF 2016

Mr.A.H.H.Ponda with Mr.Ashok K. Singh with Mr.Shailesh g. Mhaske  
for Applicant.

Mr.Vinod Chate, APP, for State.

Mr.Vivek Joshi, Deputy Superintendent of Police, ACB, Raigad, is present.

CORAM : PRAKASH D. NAIK, J.  
(Diwali Vacation Court)

DATE : 28<sup>th</sup> October 2016

PC :

1. Copy of bail application for hearing is provided by learned counsel for Applicant as original papers of Court are lying in branch which is closed due to diwali vacations. Copy supplied by learned counsel is taken on record.

2. Present application was moved urgently in the peculiar circumstances. The Applicant had appeared before the Trial Court pursuant to summons issued to him on 25 October 2016. The Applicant on appearing before the Court, preferred an application for bail. Learned counsel for Applicant submitted that during course of investigation, he was never sought to be arrested by police. On

completing investigation, a charge sheet was filed and he was summoned to appear before the Trial Court. He was taken into custody. The Applicant thereafter preferred an application for interim bail before the Trial Court. The said application was rejected, however, the main application for bail has been posted for hearing on 8 November 2016.

3. Learned counsel for Applicant submitted that taking into consideration the fact that Applicant was never required to be taken into custody during course of the investigation, the Applicant ought to have been granted bail by Trial Court. He further submitted that the Court ought not to have rejected his interim application for bail on the observations that role and capacity of present Applicant in the transaction involved in the charge sheet, is altogether different and considering this fact, the applications are not tenable at this stage. He further submitted that the prosecution had not sought his custody.

4. Learned APP submitted that the charge sheet filed against the Applicant has not been placed on record. He submitted that the main bail application is pending before the Trial Court. However, on instructions, learned APP submitted that he has no objection for postponing the hearing of bail application preferred by the Applicant before the Trial Court. This is a fair submission taking into account the factual aspects of the matter.

5. In view of the statement made by learned APP, learned counsel for Applicant submitted that without going into the merits, this

Court may direct that his bail application may be heard by the Trial Court on 3rd November 2016. Learned APP, on instructions, submitted that Trial Court is working on 3rd November 2016.

6. In view of above circumstances and without going into the merits of this application, learned counsel for Applicant do not seek any further order.

7. Accordingly, the Trial Court is directed to prepon the hearing of bail application preferred by the Applicant and the same may be heard and finally decided on 3rd November 2016 in accordance with law. Application stands disposed of.

(PRAKASH D. NAIK, J.)

MST