

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 406 OF 2015
WITH
CRIMINAL APPLICATION NO. 305 OF 2015

1 Khirod Chandra Mallick.
2 Debabrate Khirod Mallick. ... Applicants.
Versus
The State of Maharashtra. ... Respondents.

Mr. Rushi Bhutta i/b. Mr. Prasad Kumar Das, advocate for Applicants.

Ms. Shyamli Hajara i/b. H & M Legal Associates, advocate for intervenor.

Ms. Rutuja Ambekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 20, 2015

P.C.:

1 Heard the learned Counsel for the applicants and learned APP for State.

2 The learned Counsel for the applicants fairly admits that the applicants are in custody since October, 2014 in Crime No. 25 of 2014

registered at Economic Offences Wing, Bhubaneswar, Orissa. His application seeking bail is pending before the Hon'ble High Court at Orissa. The applicants apprehend that upon being enlarged on bail in Crime No. 25 of 2014, he may be taken into custody by the Economic Offences Wing, Unit III, at Mumbai in Crime No. 165 of 2012 registered at Powai Police Station, which was subsequently transferred to Economic Offences Wing for investigation and is now registered as Crime No. 45 of 2012. The applicants had filed an application seeking pre-arrest bail before the Sessions Court at Mumbai, which was rejected by an order dated 12/7/2013. The applicants had not approached the Hon'ble High Court and had neither renewed their prayer before the Sessions Court till October, 2014 when they were taken into custody in Crime No. 25 of 2014 registered at Bhubaneswar, Orissa.

3 The learned Counsel submits that in August, 2014 they were summoned by the Economic Offences Wing for the purpose of recording the statement. However, they were not arrested at that

time. At present the applicants are apprehending of being transferred in Crime No. 45 of 2012 being investigated by the Economic Offences Wing, Mumbai.

4 The apprehension may be well-founded. But taking into consideration the fact that the Anticipatory bail application filed by the applicants was rejected on 11/7/2013, as on today, there is no urgency to grant pre-arrest bail. However, in the eventuality of being enlarged on bail by Orissa High Court, the applicants would be at liberty to take appropriate steps as advised. The application stands dismissed and disposed of accordingly.

5 In view of disposal of the Anticipatory bail application, nothing survives for consideration in intervention application. The same is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)