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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.474 OF 2015

|                          |     |            |
|--------------------------|-----|------------|
| Prafull Gorakh Kamble    | ... | Applicant  |
| V/s.                     |     |            |
| The State of Maharashtra | ... | Respondent |

Mr.Satish S. Mande, for the Applicant.  
Ms.PPShinde, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE, J.**  
**DATED : 6<sup>th</sup> APRIL, 2015.**

**PC.**

1. Heard the learned counsel for the Applicant, and the learned APP for the Respondent - State.
2. By this application, the Applicant seeks pre-arrest bail in connection with C.R.No.14 of 2015 registered with the Kalwa Police Station, Thane for the alleged offences punishable under Sections 385, 504, 34 of the Indian Penal Code.
3. Learned Counsel for the Applicant states that the Sections that are alleged in the aforesaid C.R., are all bailable sections. The same is not

disputed by the learned APP.

4. Perused the copy of the FIR. It appears that the applicant is alleged to have committed offences punishable under Sections 385, 504, 34 of the Indian Penal Code. Infact, the application filed by the applicant before the learned Sessions Judge was misconceived, as sections alleged against the applicant were all bailable sections. It appears that the learned Sessions Judge, Thane, rejected the application for anticipatory bail preferred by the applicant, only on the ground that there are 8 cases pending against the applicant in different police stations for extortion and that the applicant was also allegedly extorted. Mere antecedents cannot be a ground for rejecting the application for anticipatory bail, more particularly when the sections with which the applicant has been charged are all bailable sections. Hence, the order dated 23<sup>rd</sup> March, 2015, passed by learned Additional Sessions Judge, Thane, rejecting the application for bail is quashed and set aside and the applicant is permitted to withdraw this application, as no occasion has arisen for the applicant to file an application seeking anticipatory bail, since all the sections with which the applicant is charged, are bailable sections.

5. Accordingly, the order dated 23<sup>rd</sup> March, 2015, passed by learned Additional Sessions Judge, Thane, rejecting the applicant's application for Anticipatory Bail is set aside and the application is disposed of as withdrawn with the aforesaid observations.

6. Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**