

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.549 OF 2014

AND

CRIMINAL APPLICATION NO.550 OF 2014

Mrs. Dimple Nishith Sheth ...Applicant
vs.
State of Maharashtra
and Others ...Respondents

Mr. K.H. Rajani and Mr. J.P. Thakkar, Advocate
for the Applicants.
Mr. Rajesh More, APP for the State.
Mr. Shami Shaikh i/b. Vijay Agarwal, Advocate
for Respondent Nos.2 and 3.

CORAM : P.D. KODE, J.

DATE : JANUARY 23, 2015

P.C.

. The applications for cancellation of bail
are founded on the ground that while confirming the
order of ad-interim protection, by making the
observations the Court of Session has practically
held that case of complainant is false. It is
apprehended that if such order is sustained the

same would cause grave prejudice to the complainant at trial.

2. With regard to the said grievance, it is hereby clarified that all the observations made in the order assailed in both the applications being only of *prima facie* nature made primarily for deciding request of pre arrest bail. The trial Court while deciding the trial shall decide it on the basis of evidence surfaced at the trial and uninfluenced by the said observations.

3. With regard to the second grievance not stated in the application but urged during the submission, that respondent No.2 in Application No. 550 of 2014 has committed breach of the condition imposed while confirming ad-interim direction i.e. had traveled abroad without taking permission of the trial Court, it is difficult to entertain the said grievance directly by this Court as in such

eventuality, it is necessary for the applicant to firstly approach the trial Court for the relief of cancellation on such ground.

4. Hence, the applications stands disposed of in the aforesaid terms with liberty to applicant move for cancellation of bail before the Court of Session on the ground of violation of condition imposed while confirming the anticipatory bail application.

Both the applications stands disposed of.

(P.D. KODE, J.)