

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1493 OF 2014

1. Avinash Rammilan Singh)
2. Dhiraj Rammilan Singh)Applicants
vs.
The State of Maharashtra ... Respondents

Mr.Subhash Hulyalkar, Advocate for the applicants.
Mr. S.S.Pednekar, APP, for the respondent-State.
Mr. Satyavrat Joshi, for respondent No.2.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 9th February, 2015.

P.C.

Heard the learned counsel for the applicants, the learned APP and the learned counsel for the first informant. The learned counsel vehemently submits that the prosecution is based upon a cross-case. The driver of the applicants has also lodged a report against the son of the complainant and others. Prima facie, it appears from the records that the applicant No.1 had sustained grievous injuries. The learned counsel further submits that the first information report lodged prior in time i.e. at midnight on 23.10.2014 and therefore is registered as Crime No.64 of 2014. The complaint against the present applicants is filed at about 4.10 a.m. on 24.10.2014. The learned counsel submits that the initiation of prosecution

against the present applicants is by way of a counter-blast. The applicant No.1 was seriously injured.

2. In fact, the present applicants were protected by an order dated 23.12.2014. On 7.1.2015, none appeared for the applicants. The learned APP had prayed that the applicants shall remain present before this Court on the next date of hearing. On 14.1.2015, the applicants were not present before the Court. There was violation of the order passed by this Court on the earlier occasion and therefore, this Court had vacated the interim relief.

3. The learned APP submits that none of the accused are arrested in the present case. The application filed by the son of the complainant i.e. Roshan Singh has been rejected by this Court vide order dated 4.12.2014. Today, he is still at large and is not yet arrested. In view of this, this Court is not inclined to recall the order dated 14.1.2015.

4. The learned counsel for the applicants submits that during the period when they were granted interim relief, they have attended the police station and co-operation with the investigation.

5. Today, the applicants are present before the Court. The applicants fairly submit that they would appear before the concerned Magistrate on 17.2.2015. Till then, the applicants deserve to be protected. The applicants shall not be arrested till 5 p.m. on 17.2.2015. The learned Magistrate shall decide the application filed

by the present applicants under Section 437 of Cr.P.C. on its own merits without being influenced by the fact that the interim relief granted in favour of the applicants was vacated or that the application is rejected.

The application stands dismissed as withdrawn.

6. The applicants are protected till 5.00 p.m. on 17.2.2015.
7. Parties to act on an authenticated copy of this order.

(SMT.SADHANA S.JADHAV, J.)