

Naresh O. Jain ...Intervener

(In the matter between)

Rajesh Brijlal Jain ...Applicant

VS.

State of Maharashtra ...Respondent

Mr. Aniket Nikam, learned Advocate for the Applicant/Intervener.

Mr. Rajesh More, learned APP for the State.

CORAM : P.D. KODE, J.

DATE : FEBRUARY 10, 2015

P.C.

. Having regard to the decision of the Apex Court in the case of "*Sudeep Kumar Bafna vs. State of Maharashtra and Another*"¹ and particularly observations made in para 56, it is difficult to entertain the prayer for intervention taken in

1. AIR 2014 SC 1745.

anticipatory bail. It appears accordingly as bail and anticipatory bail though nomenclature is different both germane from the same species. Having regard to it as per the above referred decision, the complainant/intervener is not entitled to intervene in the anticipatory bail proceedings. He will not have any right to interfere in the proceedings for pre-arrest bail. However, the intervener is at liberty to exercise the rights within four corners of Section 301 of the Code of Criminal Procedure.

The Criminal Application No.859 of 2014 stands disposed of.

(P.D. KODE, J.)