

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.867 OF 2014
(For Intervention)**

**IN
ANTICIPATORY BAIL APPLICATION NO.1372 OF 2014**

Dayashankar Mishra .Intervener

In the matter between

Manish Kumar Mishra .Applicant

V/s.

The State of Maharashtra .Respondent

Mr.A.R.Pande, Advocate, for the Applicant
Ms A.T.Javeri, APP, for the Respondent - State
Mr.V.Ugale i/b.Mr.A.M.Saraogi, Advocate, for
the Intervener

CORAM : P.D.KODE, J.

DATE : 5TH JANUARY, 2015

P.C.

. Heard.

2. Having regard to the decision of the
Apex Court in the case of **Sudeep Kumar Bafna
Vs. State of Maharashtra and another**, reported
in **AIR 2014 SC 1745** and particularly,

observations made in para No.56, it is difficult to entertain the prayer for intervention in this independent proceedings taken for the purpose of anticipatory bail. It appears accordingly as bail and anticipatory bail though nomenclature is different both germens 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.

3. The Criminal Application stands disposed of.

(P.D.KODE, J.)