

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1237 OF 2016

Ravi Badrinarayan Upadhyay & Ors. Vs State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. Vikas Singh a/w Ravi Dwivedi for Applicant.
Mr. H.J. Dedhia, APP for State.

CORAM : A.S. GADKARI, J.

DATE : 16th August 2016.

P.C.:

- 1) Heard the learned counsel for the applicant and the learned APP.
- 2) The applicants are apprehending arrest in CR No.160 of 2016 dated 28.5.2016 registered with Charkiop Police Station, Mumbai under Sections 498A, 406, 354, 509, 323, 506(1) read with 34 of the Indian Penal Code. The applicant No.1 is the husband, the applicant No.2 is brother-in-law and applicant no.3- is sister-in-law of the complainant Smt. Rakhi R. Upadhyay.
- 3) The applicants have specifically averred in para Nos.6(ii) and (5) that the Anticipatory Bail Application No. 625 of 2016 preferred by the applicants is pending for final adjudication before the Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai. The learned counsel for the applicants submitted that since the Trial Court neither granted any interim relief nor rejected the same, the applicants were constrained to approach this Court by way of present application.

- 4) As the learned counsel for the applicants has fairly submitted that the Anticipatory Bail Application No. 625 of 2016 preferred by the applicants is pending for final adjudication before the Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai, the judicial propriety demands that the Trial Court shall first decide the said anticipatory bail application on its own merits.
- 5) In view of the above and in the interest of justice, I pass the following Order:
- (i) The learned Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai seized of Anticipatory Bail Application No. 625 of 2016 is hereby directed to decide the said application on its own merits on or before 31st August 2016.
 - (ii) Till then the applicants shall not be arrested.
- 6) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)