

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.392 OF 2017
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.679 OF 2016

Ajaykumar R. Mishra and Anr.)...Applicants

V/s.
State Of Maharashtra)...Respondent

Mr. Akhilesh Dubey with Paritosh Shukla, Advocates for the Applicants.

Mr. S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th May, 2017.

P.C. :

Leave to amend.

2 This is an application by applicants in Anticipatory Bail Application No.679 of 2016, who are accused in Crime No.I-35/2016 registered with NRI Sagari Police Station, Panvel, District: Thane for the offence punishable under Section 420, 465, 467, 468, 471 read with Section 34 of the IPC. Their application for anticipatory bail bearing no.679 of 2016 was rejected by this Court on 24.6.2016 with some observations at pre charge-sheet

stage.

3 Heard the learned advocate appearing for the original accused. He submits that observations made by this Court at pre-charge-sheet stage when the investigation was at the threshold are causing prejudice to the applicants-accused persons in several proceedings and the other authorities are being influenced by the observations made by this Court when the investigation was at very initial stage. He, therefore, prays that this Court should clarify that findings given by this Court while rejecting the Anticipatory Bail Application of both applicants on 24.6.2016 are prima-facie findings which are not having any bearing on the merits of the case.

4 I have also heard the learned APP. He agreed that observations made at the pre-charge-sheet stage are prima-facie observations, which should not have bearing on the final result of the case against accused persons.

5 I have carefully considered the rival submissions and also perused the order passed by this Court on 24.6.2016 rejecting the Anticipatory Bail Application No.679 of 2016 filed by both

applicants herein. While deciding the said application, this Court gave prima-facie findings from paragraph 6 onwards of the order dated 24.6.2016. In fact in paragraph 10 of the said order, this Court has categorically held thus-

“No doubt these observations are *prima-facie* observations,...”

6 In this view of the matter, in fact, there was no need to file separate application for the same purpose. Even otherwise findings given by this Court while rejecting an application for anticipatory bail vide order dated 24.6.2016 in Anticipatory Bail Application No.679 of 2016 were purely prima-facie findings as investigation at that stage was at the threshold. As such, such prima-facie findings given by this Court while rejecting application for anticipatory bail should not influence any authorities of the State including Investigating Officer, Sub-Registrar, Tehsildar and other revenue authorities in the wake of specific mention of this fact as found in paragraph 10 of the order dated 24.6.2016 in the Anticipatory Bail Application No.679 of 2016.

7 With these observations, the application is disposed of.

(A. M. BADAR, J.)