

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

ANTICIPATORY BAIL APPLICATION NO. 1302 OF 2017

Rajkumar Ranjit Ghosh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr. Manoj Bhatt, Advocate for the Applicant.
Mr. V.V. Gangurde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 25, 2017.

P.C. :

This is an application for anticipatory bail. The applicant had preferred an application for anticipatory bail before the Sessions Court. The applicant was granted interim protection by order dated 9th June, 2016. While granting interim protection, the applicant was directed to report the concerned police station on 15th June, 2016 between 3:00 to 6:00 p.m. and thereafter as and when called for by the investigating officer. The applicant did not attend the said police station. The application, thereafter, came up for hearing before the Sessions Court. The applicant was directed to remain present before the said Court. However, the applicant did not remain present. However, the applicant as well

as his advocate were absent. Hence, the application was rejected on 29th June, 2016.

2 Learned advocate for the applicant submits that the applicant was not keeping good health and he was supposed to travel from Kolkata. He also preferred an application seeking time to remain present before the Court. The said application was preferred on 17th June, 2016. The applicant in this application has stated that he will abide by all terms and conditions which may be imposed by the Court in future. The application preferred by the applicant before the Sessions Court was rejected on the ground that he was not present and for want of compliance of the order of the said Court. The Sessions Court can be directed to rehear the said application on merits and decide the same on merits.

3 Hence, I pass the following order:

:: O R D E R ::

- (i) The order dated 29th June, 2017, rejecting Anticipatory Bail Application No.1400 of 2016 is set aside and the Sessions Court is directed to hear the said application afresh on merits;

- (ii) The applicant is directed to appear before the Sessions Court on 4th August, 2017;
- (iii) The Sessions Court may decide the application on merits;
- (iv) With a view to enable the applicant to appear before the Sessions Court, the interim protection granted by the Sessions Court on 9th June, 2016 is revived;
- (v) The application stands disposed of accordingly;
- (vi) The Sessions Court shall decide the application on merits without being influenced by the order passed by this Court.

(PRAKASH D. NAIK, J.)