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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1821 OF 2017

Inderpal Singh Harpalsingh Sahni

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Subhash Jha with Ms. Sanjana Pardeshi i/b Mr. Samir Vaidya for
Applicant.

Mr. A.A. Palkar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 12th October 2017.

P.C.

1] This is an application for pre-arrest bail in CR No.322 of 2017 registered with Satpur Police Station, Nashik dated 19.9.2017 under Section 436 of the Indian Penal Code read with Section 3 of the Indian Explosive Act.

2] It is the prosecution case that, a blast took place on 18th September 2017 at about 5.40 p.m in the godown of applicant situated at M.I.D.C., Satpur, Nashik. That Shri Ramesh Darade, Police Hawaldar attached to Satpur Police Station has lodged the first information report in that behalf on 19.9.2017.

3] The record clearly indicates that on 3rd October 2017, an Anticipatory Bail Application bearing No.1740 of 2017 was moved directly before this Court by the applicant. The said application was mentioned in the morning at 11.00 a.m by the applicant and this Court kept the said application for hearing at 3.00 p.m. At 3.00 p.m. at the time of hearing of the said application, the learned APP raised a preliminary objection that, the applicant without approaching the Trial Court at the first instance under Section 438 of Cr. P.C., has directly preferred an application before this Court. With a view to facilitate the applicant to approach the Sessions Court at the first instance and without considering the merits of the application, this Court granted interim relief till 5.00 p.m. of 9th October 2017.

4] It is to be noted here that, as per the record, on 3rd October 2017 the Investigation Agency had filed a remand report in the present crime before the Judicial Magistrate First Class, Court No.3, Nashik seeking four days custody remand of the applicant and in Clause-2 of the said report it is specifically and categorically mentioned that the applicant has been arrested at about 14.28 (2.28 p.m.) on 3rd October 2017. When the said remand report came for hearing before the Judicial Magistrate First Class, Nashik, the applicant moved an application for bail along with a

communication from the Advocates of applicant to the effect that this Court has directed that, the applicant should not be arrested till 5.00 p.m. of 9th October 2017. In view thereof, the learned J.M.F.C., Nashik released the applicant on interim bail till 5.00 p.m of 9th October 2017. It is to be noted here that, the applicant without pointing out the said fact that he has been already arrested in the present crime at the time of hearing of A.B.A. No.1740 of 2017 and passing of Order dated 3rd October 2017.

5] The record further makes is abundantly clearly that, the applicant has already been arrested on 3rd October 2017 at 2.28 p.m. and therefore the present application for pre-arrest of the applicant thereafter does not survive as is not maintainable in the eyes of law.

In view of the above, I see no merits in the present application and the same is hereby rejected.

6] At this stage, Mr. Jha, the learned Counsel for the applicant submitted that the applicant has been protected by interim relief of the Trial Court till 5.00 p.m. today and requests that same be continued further.

However, after taking into consideration the conduct of the applicant, this Court is of the view that the applicant does not deserve any sympathy and therefore the prayer for extension of interim relief is hereby rejected.

(A.S. GADKARI,J.)