

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 779 OF 2018

Kuldeep Singh S/o Sarjit Singh & Anr. .. Applicants.
Vs.
The State of Maharashtra. .. Respondent.

Mr. Mohd. Shine i/by Mr. Manish Raj, for the Applicants.
Mr. R. M. Pethe, APP for the Respondent.
Mr. K. N. Dinde, API, Kharghar Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : 18th APRIL, 2018.

P. C. :

1. Issue notice to the respondent. Learned APP waives service of notice on behalf of respondent.
2. By consent of learned counsel for both sides application is finally decided as this application is for grant of transit bail to the applicants who are apprehending their arrest in Crime No. 47/2918 registered with Lambi police station Taluka Malout, District Punjab for the offence punishable under Section 451, 379 r/w 34, 120-B of Indian Penal Code. According to the learned counsel for applicant above report came to be lodged by real brother of applicant making various allegations and due to lodging of report and registration of offence as

aforesaid in fact applicants' father expired on 16th April, 2018 at the age of 86 years at Kharghar, Navi Mumbai.

3. It is the case of applicants that prior to lodging of complaint by applicants' brother against them, deceased father had filed the complaint against his son who is complainant herein wherein had filed an application under Section 156 of Cri. P.C. before the Judicial Magistrate First Class, Vashi and on judicial orders passed therein MECR No. I-143/2017 came to be registered against the complainant at Punjab. It is therefore, contended that lodging of report against the applicants is a outcome of filing of such complaint by father. Applicants therefore, apprehends arrest in the crime registered at Punjab State and for that purpose seeks transit bail for a period of two weeks so as to enable them to take recourse available in law by approaching to the competent Court.

4. Learned APP has submitted that issue of grant of transit bail has been referred by this Court (Coram : Revati Mohite Dere, J.) to the larger bench while considering ABA No. 627/2018 and pending such reference had granted interim protection by grant of transit bail to applicants therein. While protecting applicants therein as aforesaid, this Court has relied upon the case of ***N. K. Nayar, Director Hastinapur Metals Ltd. Vs. State of Maharashtra & Ors. reported in 1985 Mh. L.J. 4537***, wherein it is held that transit anticipatory bail application is

maintainable and has further observed that, if the arrest is likely to be made within the jurisdiction of the Court, where an application for transit bail is filed, is not the Court where criminal proceedings are initiated, yet the concerned person, has the remedy of applying for transit anticipatory bail.

5. In view of facts as aforesaid and since applicants are made out a case for grant of interim transit bail, application is allowed as per order below;

ORDER

(i) In the event of arrest of applicants, in crime No. 47/2018 registered with Lambi police station Taluka Malout, District Punjab for the offence punishable under Section 451, 379 r/w 34, 120-B of Indian Penal Code, they shall be granted transit bail till 4th May, 2018 on their executing P.R. bond in the sum of Rs.25,000/- each with one surety each in the like amount.

(ii) Applicants shall in the meantime appear before the competent Court on or before 4th May, 2018 and shall adopt further recourse available under law.

(iii) Application stands disposed of as allowed in above terms.

(iv) Parties to act upon copy of this order

(914) aba-779-18

authenticated by Sheristedar of this Court.

[P. N. DESHMUKH , J.]