

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

CRIMINAL APPLICATION NO. 536 OF 2015

Dr. (Mrs.) K. Lalitha

..Applicant

v/s.

Mrs. Kashish Gupta & Ors.

..Respondents

Mr. Pradeep Havnur for the Applicant.

Mr. Aabad Ponda a/w. Mr. Kuber Wagle i/b. Purnanand & Co. for the Respondent Nos.1 to 3.

Mr. Ajay Patil, APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 03, 2018.

P.C.

1. This is an application filed by the first informant under the provisions of Section 439(2) of Cr.P.C.

2. Heard Mr. Havnur, the learned Counsel for the applicant, Mr. Ponda, the learned Counsel for the Respondent Nos.1 to 3 and the learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

3. The applicant herein has challenged the Order dated 29th July, 2015, whereby the learned Addl. Sessions Judge, Raigad, Alibag confirmed the interim anticipatory bail granted to the applicant vide order dated 16th July, 2015 in Crime No. I-218 of 2015 registered at Panvel City Police Station for offences under Section 380, 454, 457 and 427 of the Indian Penal Code, 1860.

4. The grievance of the applicant is that whilst granting the said application for anticipatory bail, the learned Addl. Sessions Judge has observed thus:

“ Considering the case of the applicant I am of the firm view that this is purely a civil dispute and the complainant has lodged the report after seven years to harass the applicant, which goes to the root of the case and therefore the applicant is entitled for anticipatory bail.”

5. Suffice it to say that these observations are prima facie in nature and cannot be construed as expression on merits of the case.

The case has to be decided on its own merits without getting influenced by the prima facie observations made while disposing of the application for anticipatory bail.

5. The learned Counsel for the applicant submits that in view of the above clarification, he does not wish to press the application for cancellation of bail. Application stands disposed of accordingly.

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(ANUJA PRABHUDESSAI, J.)