

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1783 OF 2018

Nagendra Bhutra

...Applicant

V/s.

State of Maharashtra

....Respondent

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Mr. Aditya Bore a/w. Mr. Jash Dalia a/w. Mr. Ankit Pandey,
Advocate for the applicant.

Ms. P.P. Shinde, APP for the respondent-State.

PSI Mr. P.S. Khamkar, Borivali Police Station present.

Coram : Sandeep K. Shinde, JJ.

Saturday, 22nd December, 2018.

P.C. :

1. Heard learned Counsel for the parties.
2. The applicant seeks transit anticipatory bail in Crime No. 578 of 2018 registered vide FIR dated 6th August, 2018 registered by Bishnupur Police Station, Sub Division- Alipur, District- South 24 Parganas, West Bengal for the offences punishable under Section 408, 409, 420, 120B read

with Section 34 of the Indian Penal Code.

3. The applicant is accused no.4. This application was filed on 31st August, 2018. However, for one reason or another it was not heard for no fault on the part of the applicant.

4. Perused the FIR. The complainant is one, M/s. Jupiter Rubber Pvt. Ltd, West Bengal. The allegation in the complaint as it appears from the FIR is about the supply of goods of inferior quality by the applicant's company to the complainant. It is submitted that, accused no.2- Dharmendra Beri was arrested in the subject crime and later released on bail.

5. The learned Counsel for the applicant has relied on the order passed by this Court in Anticipatory Bail Application No. 627 of 2018 wherein the following issues were referred to the larger Bench :

“(I) Whether an application for transit anticipatory bail for a short duration, is maintainable in order to enable the accused to approach the Court of appropriate jurisdiction for seeking regular anticipatory bail for a short duration ?

(ii) Whether the order dated 14th September, 2017 passed by Gadkari, J in Anticipatory Bail Application No. 1599 of 2017 and other connected applications, on the basis of the observations made by the Apex Court in an interim order dated 14th June, 2013 would lay down the law, that an application seeking transit anticipatory bail is not maintainable ?

(3) Whether the judgment of the Division Bench of this Court in the case of N.K. Nayar (supra) is a binding precedent ?”

6. Be that as it may, in Anticipatory Bail Application No. 627 of 2018, the learned Judge was pleased to grant interim transit bail to the applicants on certain terms and conditions vide order dated 5th April, 2007. This order was confirmed by the Supreme Court in Special Leave Petition (Cri.) No. 3135 of 2018 and modified to the extent that the applicants in the said application would approach the Competent Forum in the State of Gujarat within the said period for further appropriate reliefs. Thus, the following order :

ORDER

(i) In the event of arrest of the applicant in Crime No. 578 of 2018 registered vide FIR dated 6th August, 2018 registered by Bishnupur Police Station, Sub Division-Alipur, District- South 24 Parganas, West Bengal for the offences punishable under Section 408, 409, 420, 120B read with Section 34 of the Indian Penal Code, he is granted interim transit bail till 15th January, 2019 on his executing P.R. Bond of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall approach the Competent Forum in the State of West Bengal before 15th January, 2019 for further appropriate reliefs.

(iii) With the above directions, the Application is disposed of.

(SANDEEP K. SHINDE, J)