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

**ANTICIPATORY BAIL APPLICATION NO.2224 OF 2018**

Sanjeev Vedprakash Sharma & Anr. .. Applicants

***Vs.***

The Senior Inspector of Police,
Kongaon Police Station, & Anr. .. Respondents

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Mr.Sanjay Parab a/w. M. Rao, Swati Pandit & Mangesh Bhate, Advocate for the Applicants.

Mr.A.R. Kapadnis, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : OCTOBER 25, 2018.**

**P.C. :**

This is an application for anticipatory bail. The relief which is sought in this application is to grant interim protection till the application is heard by the Sessions Court. The applicant had preferred an application for anticipatory bail before the Sessions Court, which came up for hearing on 22nd October, 2018. Learned Sessions Judge was pleased to issue notice to the investigating officer, returnable on 30th October, 2018. Learned Sessions Judge has not granted interim relief to the applicant. While passing the said order, it was observed that the nature of the offence is serious and considering the scope of investigation,

it is necessary to hear the investigating officer regarding the role of the accused.

2 Learned advocate for the applicant submits that the learned Sessions Judge ought to have granted interim protection to the applicant. They are high ranking officials of the reputed company. They have been called by the police for investigation. Reliance is placed on two decisions of this Court delivered in Criminal Application No.3561 of 2005, wherein order dated 8th June, 2005, has been passed, and, order dated 8th May, 2018 passed in Anticipatory Bail Application No.541 of 2014. It is submitted that in the aforesaid decisions this Court has taken a view that in such situation interim relief ought tobe granted. Learned APP vehemently opposed grant of such relief. It is submitted that the learned Sessions Judge has posted the matter for hearing on 30th October, 2018, and, while passing the said order, it is observed that the nature of offence is serious. It is submitted that since the matter is due for hearing on 30th October, 2018, protection as prayed for shall not be granted. He also submitted that the accused are involved in serious offence and in view of the observations made by the Sessions Court, this Court may not grant any protection during the pendency of this application for anticipatory bail before the Sessions Court.

3 As stated above, the application for anticipatory bail preferred before the Sessions Court is pending before the Sessions Court and the same has been adjourned till 22nd October, 2018. It is pertinent to note that the Sessions Judge while posting the matter to 30th October, 2018, had observed that the nature of offence is serious and it is necessary to hear the investigating officer. Pending the application for anticipatory bail, first of all it would not be appropriate to make any observations on the merits of the case and blanket protection cannot be granted to the applicant. Application is due on 30th October, 2018. Since there is no interim protection, the learned Judge may proceed with the hearing of the application on 30th October, 2018, and, pass appropriate orders on the application preferred by the applicant. It would be open to the Sessions Court to grant interim protection after investigating officer appears before the Court. It is made clear that this Court has not expressed any opinion on merits of case.

4 Anticipatory Bail Application No.2224 of 2018, stands disposed of.

(**PRAKASH D. NAIK, J.)**