

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

ANTICIPATORY BAIL APPLICATION NO. 1096 OF 2019

Nazhir A.H. Khan

.. Applicant

Vs.

The State of Maharashtra

At the instance of Waliv Police Station,

Vasai, District Thane

.. Respondent

Mr.Ghanshyam Upadhyay a/w. Mr.Kunal Jha I/b Law Juris for applicant.

Mr.S.K. Shinde, APP for State.

CORAM : N.J. JAMADAR, J.

**DATE : 27TH MAY 2019
(VACATION COURT)**

P.C.

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. On perusal of the orders passed by this Court on 8th May 2019 and 21st May 2019, it becomes clear that an interim anticipatory bail has been granted by this Court, though the applicant has moved the learned Sessions Judge and the application for pre-arrest bail is awaiting decision by the learned Sessions Judge. The learned counsel for the applicant submits that since the learned Sessions Judge did not grant ad-interim protection from arrest, the applicant was constrained to prefer this application before High Court.

3. It is submitted on behalf of the prosecution that the learned Sessions Judge has heard the arguments on the application for anticipatory bail and posted the matter for orders on 30th May 2019.

4. It is indubitable that a party cannot approach two forums having concurrent jurisdiction for an identical relief. In this view of the matter, it would be expedient to dispose of this application by extending the protection granted by this Court for a reasonable period so as to take care of a contingency of anticipatory bail application being decided against the applicant. Hence the following order :-

O R D E R

The application stands disposed of in the following terms :-

The interim protection granted by this Court, by order dated 8th May 2019 and continued by the order dated 21st May 2019, will be in operation for a period of five days from the date of the decision of the anticipatory bail application, by the learned Sessions Judge, in the event an order adverse to the interest of the applicant is passed therein.

[N.J. JAMADAR, J.]