

V.B.Gokhale

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

CRIMINAL APPEAL NO.733 OF 2019

Jaid Nuruddin Shaikh

..Appellant

V/s.

The State of Maharashtra & Anr.

..Respondents

Mr. S. V. Marwadi I/b. Mr. N. M Nadar for applicant.

Mr. S. R. Agarkar, A.P.P. for respondent-State.

Mr. Somnath Kadam, PSI, Boisar Police station is present.

**CORAM : R. I. CHAGLA, J.
(Vacation Court)**

DATE : 10th MAY, 2019

PC :-

1. Heard the learned counsel for the appellant. The appellant is challenging the order dated 03/05/2019 passed by the Sessions Court, rejecting the Anticipatory Bail application of the appellant on the ground that as per amended Section 18(A) of the Atrocity Act, the court has no power to consider the application U/s.438 of the Cr.p.c. when the offence came to be registered under Atrocity Act. He relies on the decision of Division Bench of this Court dated 03/04/2019 passed in Criminal Appeal No.194 of 2019,

wherein, this court held that, even after the amendment made in the year 2018 by which the provision of section 18-A came to be added, the Sessions Court has the power to consider the anticipatory bail application, even if the crime is registered for the offence punishable under the Act.

2. In the light of this decision, it would be appropriate to set aside the impugned order of the Sessions Court dated 03/05/2019.

3. The appellant is granted liberty to move the Special Court which will independently consider the case of the applicant without being influenced by the order dated 03/05/2019.

4. Learned A.P.P., on instruction, states that, for the period of one week the appellant will not be arrested.

5. Parties shall act upon the authenticated copy of this order.

(R. I. CHAGLA, J.)