

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 178 OF 2020

1. Rajendra Kisan Netke
 2. Dilip Genubhau Kalate
 3. Machindra Baban Jambhulkar
 4. Sharad Parshuram Borhade
 5. Shubhangi Savalram Wankhede
 6. Sanjay Pandurang Kalate
- ...Applicants

Versus

The State of Maharashtra

...Respondent

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Mr. A. P. Mundargi, Sr. Advocate i/b Mr. Sandeep S. Salunkhe,
Advocate for the Applicant.
Mr. S. S. Pednekar, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd January, 2020

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 381 of 2017 registered at Chaturshrungi Police Station for offences punishable under Sections 406, 408 r/w Section 34 of Indian Penal Code. Subsequently Section 420 of IPC and and Section 3 of Maharashtra Protection of Interest of Depositors in Financial Establishments; Act, 1999 (for short 'MPID' Act) were invoked.

2. The applicant had preferred application for anticipatory bail before the Sessions Court. By order dated 1st August, 2017. Interim protection was granted to them with conditions to attend the Police

Station. The interim protection continued for a period of about 2 years.

3. Learned Sessions Judge by order dated 10th January, 2020 rejected the application. While rejecting the application it was observed that interim protection was granted to the applicants on 1st August, 2017. The application is pending since last two years. The applicants have preferred proceeding before the High Court and on that ground repeated adjournment were sought. The said petition is not decided. The advocate appearing for the applicant submitted that the High Court had directed the respondents therein not to take coercive action. The application for anticipatory bail was dismissed for default and interim bail order was vacated.

4. Learned counsel for the applicant submitted that the petitioner had preferred writ petition No. 8306 of 2017 before this Court which is pending. By way of interim order the respondent therein were restrained from taking any coercive action against the petitioner on the basis of order dated 10th July, 2017 passed by the Commissioner for cooperative society. Learned Advocate further submits that the application is dismissed for default. The learned Judge has not considered the merits of the case, if the application be remanded back to the Sessions Court, the applicant would proceed with the

matter on merits without delay.

6. Learned APP submitted that adjournment ought not to have been sought on the basis order dated 24th July, 2017 passed by this Court in Civil Writ Petition No. 8306 of 2017 and Civil Writ Petition No. 7939 of 2017.

7. Undisputedly, interim protection granted by the Sessions Court was continued from time to time for a period of two years. It is also not disputed that Civil Writ Petitions are pending in this Court. However, since the application has been dismissed on the ground of repeated adjournment sought on account of pending Writ Petitions, the applicants can be directed to proceed with the hearing of the application by restoring the same.

ORDER

- i) Order dated 10th January, 2020 passed by the Sessions Court in anticipatory Bail preferred by the applicant vide Criminal Bail Application No. 2589 of 2017 is set aside and the application is restored to file with interim protection granted to the applicants on 1st August, 2017.
- ii) The interim order shall continue till the final

disposal of the application.

- iii) The applicant shall not seek any adjournment on the ground that the Civil Writ Petitions are pending before this Court and shall proceed with the hearing of the said application.
- iv) The learned Sessions Judge shall decide the application in accordance with law without being influenced by this order.
- v) The applicant shall appear before the Sessions Court on 3rd February, 2020 at 11.00 a.m.
- vi) This Application is disposed off accordingly.

(PRAKASH D. NAIK, J.)