

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 464 OF 2021

1. Daiwat Prakash Meher
2. Vivek Vishwajit Govari
3. Pankaj Harischandra Gharat
4. Sarthak @ Swarthak Harishchandra Gharat ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Apoorv Sing, Advocate for the Applicants.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 442 of 2020 registered with Vasai Police Station.

2. I have perused the order dated 5th February, 2021 passed by the learned Additional Sessions Judge-1, Vasai in Criminal Bail Application No.29 of 2021.

3. The applicants had preferred application for anticipatory bail before the Sessions Court. Apparently, the FIR was registered for offences under Sections 324, 504, 506 r/w Section 34 of Indian Penal Code. The applicants was granted interim protection by the Sessions Court. During pendency of application Section 326 was

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added. Learned Additional Sessions Judge has rejected the application on the ground that Police Report indicate that Section 326 has been added and it was conveyed to the concerned Court. The application before the Sessions Court does not mentioned anything about Section 326 of IPC. However, oral arguments were advanced by the advocate for the applicants stating that even Section 326 of IPC is not applicable. The application was rejected on the ground that the applicants should have filed an application in relation to offence under Section 326 of IPC. The Court also recorded that the other offences were bailable in nature. In these circumstances, the applicants can be permitted to prefer fresh application for bail before the Sessions Court. In the event, application is preferred, learned Additional Sessions Judge shall deal with such application in accordance with law. Applicants are apprehending arrest. The applicants shall not be arrested for one week from the date of uploading of this order. Application stands disposed of.

4. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)