

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

ANTICIPATORY BAIL APPLICATION NO.1332 OF 2019

Firoz Usman Stovewala	 Applicant
Versus	
The State of Maharashtra	 Respondent

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WITH

ANTICIPATORY BAIL APPLICATION NO.1591 OF 2019

Gurunath Sadanand Masane	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Milind A. Ingole, Advocate for the Applicants.
Smt. J.S. Lohokare, APP for the Respondent-State.

CORAM :SARANG V. KOTWAL, J.

DATE : 09th FEBRUARY, 2021

P.C. :

1. Vide order dated 22.7.2019 in ABA No.1332/2019,

following order was passed :

- “1. Learned counsel for the applicant as well as learned counsel for the intervener jointly make a statement that settlement talks are nearing completion and therefore, both of them seek time to furnish documents showing settlement.
2. On their joint request, matter is adjourned to 29th July, 2019.
3. Interim order to continue till next date.”

2. Similar statement was made by learned Counsel for the Applicant in ABA No.1332/2019 on 24.6.2019 and, therefore, interim protection was granted to him. It was specifically recorded in the order dated 24.6.2019 that the learned Counsel for the applicant, on instructions, made a statement that he was in the process of settling the matter with the aggrieved parties. It was clearly observed in that order that strictly on the basis of this statement, interim protection was granted.

3. So far as the Applicant in ABA No.1591/2019 is concerned, vide order dated 22.7.2019, he was granted interim protection in view of the protection granted to the Applicant in ABA No.1332/2019.

4. Subsequently, the matters were adjourned from time to time and the interim relief granted was extended. The matters are still pending before this Court with this interim protection.

5. Today, learned Counsel for the Applicants makes a statement that the settlement talks have failed. The charge-sheet in this case is already filed. On instructions, he prays for unconditional withdrawal of these applications.

6. Learned A.P.P. stated that her instructions that the charge-sheet is filed.

7. Since the Applicants are praying for unconditional withdrawal of these applications, the matters are allowed to be withdrawn unconditionally. However, it is clarified that interim protection was granted to the Applicants only on the statement that the settlement talks were in progress. Subsequently no final orders in these applications were passed.

8. Therefore, though the charge-sheet is filed and the Court has taken bail from the Applicants, that will not preclude the investigating agency from effecting arrest of the Applicants if situation so demands. The Applicants were never arrested for the purposes of investigation because they were on interim protection granted by this Court. This protection was granted

on the statement made by learned Counsel for the Applicant which ultimately did not reach its logical conclusion. The settlement did not take place. Therefore, the investigating agency is free to take steps as necessary in accordance with law.

9. The applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)