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

ANT. BAIL APPLICATION NO.2099 OF 2021

Mr. Satbir Ramanand Sarlia
& Anr.

... Applicants

Vs

The State of Maharashtra

... Respondents

...

Mr. Rammani G. Upadhyay for the Applicant.

Mr. A.A.Palkar, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 3RD SEPTEMBER, 2021.

P.C. :

Heard.

2 Applicants are partners in a firm, M/s. Jindal Steel. They are seeking transit pre-arrest bail in connection with the First Information Report No.532 of 2021 registered with Jeedimetla Police Station, District: Cyberabad, Telangana for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860 on a complaint filed by Telangana Steel Syndicate ('Complainant' for short) .

2 Complainant's case is although M/s. Jindal Steel had received advance payment, they did not supply the material and in fact declined to supply it. On this set of accusations, they registered the offence with the Jeedimetla Police Station, District: Cyberabad, Telangana.

3 It is submitted that the applicants will approach the Court of competent jurisdiction for seeking pre-arrest protection within four weeks. However, till then, they may be granted pre-arrest protection in the crime registered against them.

4 Learned Prosecutor opposes the application, contending that application is not maintainable in law. There is no provision to grant such relief under Section 438 of the Criminal Procedure Code. This Court has no jurisdiction to entertain this application. He would rely on the decision of the Supreme Court in the case of **Sandeep**

Sunilkumar Lohariya Vs. Jawahar Chelaram Bijlani @ Suresh Bijlani and Others, Special Leave to Appeal (Cri.) No. 4829/2013 dated 14th June, 2013. He would rely on the Full Bench decision of Patna High Court in the case of **Syed Zafrul Hassan and Others V/s. State, AIR 1986 194.** He would also refer to the order passed in the case of **Dr. Augustine Francis Pinto and another V/s. The State of Maharashtra and Others, ABA No.1599/2017** decided on 14th September, 2017.

5 I have perused the application and annexures appended to it.

6 Although, reference as to power of the Court to grant transit pre-arrest bail under Section 438 of the Criminal Procedure Code, in the case of *Dr. Augustine Francis* (supra), is pending before the Division Bench, yet Division Bench of this Court (Coram : S.S. Shinde & M.S. Karnik, JJ.) on 10th December, 2020 in Criminal Anticipatory

Bail Application (St.) No.3041 of 2020 has observed that due to paucity of time, it is not possible to hear the reference on merits. However, considering the factual matrix of the matter, protection as prayed for was granted to the applicants therein.

7 In consideration of the facts of the case and in view of the orders passed by this Court in several such applications, affording transit pre-arrest protection to the applicant, I am inclined to grant the application. It is granted. Hence, I pass the following order :

ORDER

(I) In the event of arrest of the applicants in connection with First Information Report No. First Information Report No.532 of 2021 registered with Jeedimetla Police Station, District: Cyberabad, Telangana dated 29th June, 2021, the applicants shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) each, with one or more sureties in the like sum.

(ii) This protection is granted for a period of four weeks from the date on which it is uploaded to enable the applicant to approach the Court of competent jurisdiction for seeking appropriate reliefs.

8 The application is disposed of.

(SANDEEP K. SHINDE, J.)