

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

ANTICIPATORY BAIL APPLICATION NO. 2288 OF 2021

Khushal Bhavanji Chheda ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ghanshyam Upadhyay a/w Mr. Rajkumar Mishra a/w Ms. Jyoti a/w Ms. Sumaiya i/by Law Juris, Advocate for the Applicant.

Mr. R. M. Pethe, APP for the Respondent – State.

Mr. Ramesh Andher, EOW, Unit-8, Mumbai, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 28th SEPTEMBER, 2021

PER COURT:

1. Limited prayer which is sought in this application for anticipatory bail preferred by the applicant is pending application before the Court of Sessions at Bombay, interim relief be granted to the applicant.

2. The application preferred by the applicant came before the Court of learned Sessions Judge on 17th September, 2021 and the interim relief was refused to the applicant by speaking order and the application was adjourned to 24th September, 2021. Thereafter, the application was adjourned to 8th October, 2021.

3. Learned advocate for the applicant submitted that the applicant is 71 year old person. In the event of his arrest his application would become infructuous and he will have to subject himself to arrest and hardships on account his age. It is submitted that one of the co-accused has been granted anticipatory bail by the Sessions Court by order dated 4th June, 2021. The said accused is also partner in the said partnership firm.

4. Learned APP on instructions submitted that the prosecution is proposing to prefer an application for cancellation of anticipatory bail granted to the said co-accused. The fact remains that the said order is still in force.

5. Without adjudicating on merits of the case, it would be appropriate to consider the limited relief sought by the applicant i.e. interim protection pending application before the Sessions Court.

6. Learned APP submitted that on the previous date of hearing there were oral directions of not to arrest which were complied and it should not be construed that there was any concession from the side of prosecution. It is clarified that no adverse inference be drawn against prosecutor.

7. Considering the factual aspects, I pass the following order.

ORDER

(i) Pending the hearing and final disposal of the application for anticipatory bail preferred by the applicant before the Court of Sessions viz. ABA No. 2040 of 2021, in the event of arrest of the applicant in connection with in C.R. No. 18 of 2020 investigated by EOW, Unit-7, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;

(ii) It is clarified that the present application was not adjudicated on merits and the learned Sessions Judge shall proceed with the matter in accordance with law and on merits.

(iii) Interim protection shall be in operation till the final disposal of the application for anticipatory bail before the Sessions Court.

(iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)