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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2943 OF 2021

ROHAN SUNIL ABBOTT

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Aabad Ponda, Senior Advocate a/w Mr. Pradeep Thorat, Kauser Bantawala, Jugal Kanani Rushikesh Kekane i/b Mr. Aniesh Jadhav for the applicant

Ms. Sharmila S. Kaushik APP for the State

Mr. Omprakash Parihar a/w Aditya Pratap for intervener
Anjum Bagwan, PI, APMC Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 8, 2021.

P.C.:

1] Heard.

2] This Court in the matter of Writ Petition No. 3031/2021 preferred at the behest of applicant based on **Pradip Ram V. State of Jharkhand (2019) 17 SCC 326**, has not taken away statutory right of seeking pre-arrest bail conferred under Section 438 of Code of Criminal Procedure, 1973 before the Sessions Court.

3] In that view, it was expected of the Sessions Court to deal with case of the applicant for grant of pre-arrest bail on its merit.

4] As such, applicant is at liberty to approach the Sessions Court. The Sessions Court is requested to decide ABA No. 3992/2021 afresh expeditiously, without being influenced by the earlier findings as it is assured by learned senior counsel appearing for the applicant that applicant shall be arguing the said matter before the Sessions Court on 10/12/2021 as has been consented by the counsel for the complainant.

5] Till said application is finally decided, Investigating Officer assures that applicant shall not be taken in custody.

6] With above observations, application stands disposed of.

[NITIN W. SAMBRE, J.]