

Uday S. Jagtap

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

**ANTICIPATORY BAIL APPLICATION NO. 2364 OF 2019
ALONG WITH
INTERIM APPLICATION NO. 363 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO. 2364 OF 2019**

Iqbal Aboobakar Parekh .. Applicant

Vs.

State of Maharashtra & Anr. .. Respondents

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Mr. Yashpal Thakur, Counsel a/w Mr. Amit Somvanshi i/b Dharam
& Co. for the applicant

Ms. Archana P. Gaikwad for the Intervenor

Mr. Amit Palkar, APP for respondent State

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 18th SEPTEMBER, 2021

P.C.

1. By an order dated 25th October, 2019, after hearing the learned Counsel for the parties, this Court (*Coram : N.B. Suryawanshi, J.*) granted ad-interim anticipatory bail to the applicant.
2. The Investigating Officer is absent without any justifiable

reason.

3. The learned APP appearing for respondent – State submits that charge-sheet is not yet filed.
4. Despite granting ad-interim protection way back in the month of October, 2019, if no charge-sheet has been filed till date, there should not be a hanging sword on the head of the applicant without any reason. In the sense, it is not the contention of the learned APP that the applicant is not co-operating with the investigating Officer or that there is likelihood of his abscondence.
5. The learned Counsel for the applicant makes a statement across the bar that the applicant is 75 years old and has been suffering from Cancer and, therefore, unable to attend the Court. Statement is accepted.
6. The learned Counsel for the applicant has also drawn my attention to the order passed by this Court in Writ Petition No. 4337 of 2019 dated 13th April, 2011 *qua* the societies namely; Narialwadi Zopadpatti Welfare Society and Ashiyana Co-operative Housing Society, who were fighting for their rights to implement the slum scheme in respect of the said land. *Prima facie*, it seems to be a dispute of civil nature.
7. Having regard to the aforesaid facts and circumstances, the interim protection granted to the applicant stands confirmed.

8. The Anticipatory Bail Application stands disposed of.
9. In view of the disposal of the ABA, nothing survives in I.A. No. 363 of 2020. Consequently, the same is also disposed of.

(PRITHVIRAJ K. CHAVAN, J.)