

Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2421 OF 2019
ALONG WITH
INTERIM APPLICATION NO. 342 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO. 2421 OF 2019

Khan Safiya A. Rahim & Ors.

.. Applicants

Vs.

State of Maharashtra & Anr.

.. Respondents

.....

Mrs. Uma Sharma a/w Mr. Sachin Chowdhari for the applicants
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. The learned Counsel for the applicant makes a statement that applicant no.1 – Khan Safiya A. Rahim and applicant no.17 – Samiulla Sai Mohd. have expired.
2. 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.

3. The Investigating Officer is absent without any justifiable reason.
4. The learned APP appearing for respondent – State submits that charge-sheet is not yet filed.
5. 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 applicants without any reason. In the sense, it is not the contention of the learned APP that the applicants are not co-operating with the investigating officer or that there is likelihood of their abscondence.
6. The learned Counsel for the applicants 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 applicants 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. 342 of 2020. Consequently, the same is also disposed of.

(PRITHVIRAJ K. CHAVAN, J.)