

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 327 OF 2021

(Mukesh Wasudeo Dekate vs. The State of Maharashtra thr. PSO, Rana Pratap Nagar PS, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri D.V. Chauhan, Advocate for the applicant.
Mrs. M.A. Barabde, APP for the respondent.

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CORAM : PUSHPA V. GANEDIWALA, J.
MAY 28, 2021.

Hearing was conducted through Video Conferencing and Shri Chauhan, learned counsel for the applicant, Mrs. Barabde, learned counsel for the non-applicant – State.

2. The applicant – Mukesh Wasudeo Dekate apprehends his arrest in Crime No. 58 of 2021 for the offence punishable under Sections 323, 364A, 384, 386, 468, 469, 471, 420, 506(2) and 34 of the Indian Penal Code read with Sections 43, 44, 45 and 46 of the Maharashtra Money Lending Act, 2014.

3. The applicant approached the Court of Additional Sessions Judge, Nagpur (Sessions Court) for grant of Anticipatory Bail vide Criminal Misc.

Application No. 1530 of 2021. The learned Sessions Court, after hearing the matter, refused to grant ad interim protection to the applicant. The matter has been posted in June 2021 for further consideration.

4. Shri Chauhan, learned counsel for the applicant submits that the applicant being aggrieved by the filing of First Information Report, approached this Court under Section 482 of the Criminal Procedure Code and this Court granted him interim relief, not to file charge sheet. The learned counsel urged for grant of interim protection considering the limited role attributed to the applicant, as the same was refused by the learned Sessions Court,.

5. The learned counsel for the applicant has relied on the bunch of authorities wherein, on many occasions, this Court granted protection to the accused for limited period. The learned counsel has mainly relied on the judgments of this Court in Anticipatory Bail Application No. 302 of 2017 in the case of Sanjay Shankar Patil vs. State of Maharashtra, reported at 2017 SCC OnLine Bom 5154, Anticipatory Bail Application No. 1096 of 2019 in the case of Nazhir A.H. Khan vs. State of Maharashtra, delivered on 08.05.2019 (Vacation Court), Anticipatory Bail Application No. 2344 of 2019 in the case Dipesh

Dinesh Kumar Jain vs. State of Maharashtra, reported at 2019 SCC OnLine Bom 9089.

6. Mrs. Barabde, learned APP appearing for the respondent – State strongly opposes the application.

7. In the opinion of this Court, the Sessions Court should have disposed of the application expeditiously when it had refused to consider the prayer of the applicant for interim protection.

8. Now, without going into the merits of the case and without considering the maintainability of this application before this Court, as the application under Section 438 of the Criminal Procedure Code is already pending before the Sessions Court, it could only be directed to the Sessions Court to hear and finally dispose of the same expeditiously within a period of one week from the date of communication of this Court. In the meantime, no coercive steps be taken against the applicant.

9. Criminal Application is disposed of accordingly.

JUDGE

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