

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

ANTICIPATORY BAIL APPLICATION NO. 1050 OF 2022

Ajay Shivaji Mane and Anr.	...	Applicants
<i>Versus</i>		
State of Maharashtra	...	Respondent

**WITH
INTERIM APPLICATION (STAMP) NO. 7975 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 1050 OF 2022**

More Ramesh Audumbar	...	Applicant
<i>Versus</i>		
State of Maharashtra and Ors.	...	Respondents

Mr. Tushar Sonawane for the Applicants.
Mr. A. A. Palkar, APP for the State.
Mr. P. G. Chavan for the Intervenor.

**CORAM : VINAY JOSHI, J.
DATE : 5th MAY, 2022**

P.C. :-

1. Heard.

2. The applicants are seeking pre-arrest protection in Crime No. 227 of 2022 registered with Pandharpur Taluka Police Station, Dist. Solapur for the offence punishable under Sections 324, 452, 147, 148, 149, 504 and 506 read with 34 of the Indian Penal Code (for short 'IPC'). This Court has granted interim protection vide order dated 19th April, 2022.

3. While this application was pending, the informant has filed an Intervention Application No. 1469 of 2022 to oppose the bail. It is brought to the notice that during course of investigation, the Police

have invoked Section 307 of the IPC. A letter dated 7th April, 2022 addressed by the Investigating Officer to concerned Magistrate intimating addition of Section 307 is tendered. The fact remains that while interim protection was granted, Section 307 was not invoked. It was also not invoked when the Trial Court has rejected bail application. This Court has granted interim protection in Crime No. 227 of 2022 meaning thereby protection is granted in particular crime, therefore, even if sections are aided, Police could not arrest. Normally, when grave sections are aided, the Police have to move to the Trial Court seeking for cancellation of bail if the accused are on bail and thereafter only they could arrest the accused.

4. Herein, the applicants are protected by interim order of this Court, certainly, the applicants have right to seek for pre-arrest protection apart from the facts of the case. Apparently, the applicants' entitlement for pre-arrest protection is not tested before Sessions Court after invocation of Section 307 of the IPC. Having regard to the said fact, the applicants' learned counsel seeks withdrawal with liberty to approach Sessions Court for seeking pre-arrest bail with limited protection. In the circumstances, the applicant stands disposed of. The applicants are at liberty to approach Sessions Court for pre-arrest protection. The interim order passed by this Court would remain in force for the period of two weeks from today.

5. Application stands disposed in above terms.

[VINAY JOSHI, J.]