

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.186 OF 2022

Ashish Shah : Applicant.
Versus
State of Maharashtra and anr. : Respondent.

Mr. Alankar Kirpekar i/by VMK Legal for the Applicant.
Mr. V B Konde-Deshmukh, APP for the Respondent/State.

CORAM : S. S. SHINDE,
N. R. BORKAR, JJ
DATE : 08th FEBRUARY 2022

P.C.

1 This Application is filed by the applicant seeking transit anticipatory bail for a period of six weeks. The applicant is apprehending his arrest in C.R. No.258 of 2021 registered at Raipur Police Station (Thana City Kotwali, Raipur) State of Chattisgarh for the offences punishable under sections 420, 467, 468, 471, 409, 120B of the Indian Penal Code and 66B of I. T. Act, 2000. The Applicant has received a notice under section 41A of the Criminal Procedure Code and is asked to appear before the concerned Investigating Officer in the aforesaid C.R. 258 of 2021

2 It is submitted that a limited protection may be granted to the applicant so as to enable him to cause appearance before the concerned police officer in response to the notice received by the applicant under section 41A of the Code of Criminal Procedure and to approach the jurisdictional court for anticipatory bail. In support of the contention that, this Court can grant transit

anticipatory bail for a limited period, the learned Counsel appearing for the applicant pressed into service unreported Judgments/Orders of this Court in *Amol Gunaji Sonawane & another vs. The State of Maharashtra & another*¹ , *Neeraj Shyam Sahay vs. The State of Maharashtra & others*² , *Kawal Chamanlal Sharma vs. The State of Maharashtra & another*³ , *Nikita Jacob vs. The State of Maharashtra*⁴ , *Shantanu Shivlal Muluk vs. The State of Maharashtra*⁵ , *Javed Anand & another vs. State of Gujarat & another*⁶ a reported judgment in the case of *N.K. Nayar and others vs. State of Maharashtra & others*⁷ , and *Nikhil Premraj Kalapadan and ors vs State of Maharashtra & anr*⁸

3 Learned APP fairly states that this Court had an occasion to consider similar prayers in the aforesaid cases and this Court had granted limited relief granting protection for specified period.

4 Heard the learned Counsel appearing for the applicant and the learned APP appearing for the Respondent – State. We have carefully perused the averments in the application so also various orders passed by this Court, which are placed on record by the learned Counsel appearing for the applicants, granting transit anticipatory bail for a limited period. The learned

1 Cr.ABA No.1770 of 2021 order dated 6th August, 2021.

2 Cr.ABA No.397 of 2021 with Cr.ABA No.399 of 2021 order dated 12.2.2021

3 Cr.ABA St. No.3041 of 2020 order dated 10th December, 2020

4 Cr.ABA No.441 of 2021 decided on 17th February, 2021

5 ABA No.154 of 2021 decided on 16th February 2021 (Aurangabad Bench)

6 ABA No.627 of 2018 order dated 5th April 2018

7 1985 Cr.LJ 1887

8 Cr.ABA No.137 of 2022 order dated 27th January 2022.

counsel appearing for the applicant submits that no allegations are made against the present applicant in the FIR being CR No.258 of 2021.

5 We have also perused the FIR No.258 of 2021 annexed to the Application at page 23A of the paper book. In the peculiar facts and circumstances of this case, we are inclined to allow the application thereby granting three weeks protection to the applicant. Hence, the following order:

ORDER

(i) In the event of the arrest of the applicant in relation to C.R. No.258 of 2021 registered at Raipur Police Station (Thana City Kotwali, Raipur) State of Chattisgarh, the applicant shall be released on interim transit bail for a period of three weeks i.e., till 01st March 2022 on executing a personal bond in the sum of Rs.20,000/- (Rupees Twenty thousand) with one surety in the like amount.

(ii) The applicant shall appear before the concerned Investigating Officer in connection with the aforesaid C.R. No.258 of 2021 on 16th February, 2022 and thereafter appear before the Investigating Officer as and when called for the purpose of investigation.

(iii) It is hereby made clear that no prayer for extension of time beyond 01st March 2022 shall be entertained on any count whatsoever.

(iv) Registry shall communicate this order to the Inspector of Police, Raipur Police Station (Thana City Kotwali, Raipur) State of Chattisgarh.

(v) Tag this Application alongwith Anticipatory Bail Application No.627 of 2018.

6 All concerned to act on an authenticated copy of this order.

[N. R. BORKAR, J]

[S. S. SHINDE , J]