

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.465 OF 2022

Shri.Shankar Kacharu Thakur

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Prashant P. Raut for the Applicant.

Mr.Y.Y. Dabke,APP for the Respondent-State.

Mr.Dhiraj S. Patil, API, Kharghar Police Station, Navi Mumbai.

CORAM : C.V. BHADANG, J.

DATE : 22 FEBRUARY 2022

P.C.

. The Applicant has approached this Court as the learned Sessions Judge has refused to grant interim protection and after hearing the main application for anticipatory bail on 15 February 2022, the same is posted on 7 March 2022 for passing orders. Such a course of action by the learned Sessions Judge cannot be countenanced particularly when the interim protection has been refused by the said Court.

2. Postponement of the passing of the order for such a long time after refusal of the interim relief only adds to the avoidable exercise of approaching this Court in matters of the present nature. If the interim protection is refused, normally it is expected that the main application is decided at an early date particularly when the same has been heard.

3. Normally this Court would be slow to grant indulgence in such a case where main application is still pending before the learned Sessions Judge. However, the offence registered against the Applicant is under Section 354, 354-A, 500, 509 and 506 of the Indian Penal Code and the learned Additional Public Prosecutor has submitted that for the purposes of the recovery of the whats app messages the Applicant be directed to surrender his mobile phone for which the Applicant has expressed willingness. Only considering this fact and concession on behalf of the prosecution it is directed that no coercive steps shall be taken against the Applicant till 7 March 2022, subject to the Applicant reporting to the Investigating Officer on 1 and 2 March 2022 between 11.00 a.m. to 1.00 p.m. and surrendering his mobile phone, if required and the Applicant co-operating with the Investigating Agency.

4. It is however, made clear that while passing the order on the Application the learned Sessions Judge shall not be influenced by this order granting limited protection.

5. The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.