

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

ANTICIPATORY BAIL APPLICATION NO. 794 OF 2022

Ashwini Ashok Pujari & Ors.

..Applicants

V/s.

The State of Maharashtra

..Respondent

Mr. Harshad Nimbalkar a/w. Mr. Satyam Nimbalkar, for the Applicants.

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

**CORAM : C.V. BHADANG, J.
DATE : 24 MARCH 2022**

P.C.

. The Applicants, apprehending arrest, in connection with investigation of Crime No.61/2022 of Police Station Kothrud, Pune City, under Section 498-A, 494, 406, 420, 324, 642, 509, 323, 504, 506(2) and 500 r/w. 34 of IPC, Section 3(2) and 3(3) of the Maharashtra Prohibition and Eradication of Human Sacrifice and other Inhuman and Degrading Practices and Witchcraft Act, 2013 and Section 66-E of the Information Technology Act, are seeking anticipatory bail.

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2. This is yet another case wherein the learned Sessions Judge after refusing interim protection to the Applicants, has adjourned the main Application for hearing to 7 April 2022.

3. There appears to be a matrimonial dispute between the informant and her husband and the in-laws. The husband of the informant and the in-laws are Accused Nos.1 to 5 who have been granted interim protection by the learned Sessions Judge. The learned counsel for the Applicants point out that the Applicant No.1 is a maid servant, Applicant No.2 is a distant relative and the Applicant No.3 is a priest who has solemnized the marriage, have been refused interim protection.

4. This Court has found that in many cases where the interim protection is refused, the main Applications are adjourned at a distant date, requiring the parties to approach this Court for such interim protection only, when the main Application is still pending before the learned Sessions Judge. Such a situation cannot be countenanced. If the learned Sessions Judge in his discretion finds that the interim protection cannot be granted, normally the main Application should be taken up for hearing expeditiously.

5. In such circumstances, I find that the learned Sessions Judge can be asked to prepone the main Application for hearing,

to be decided on its own merits and in accordance with law, at an early date.

6. In the result, the following order is passed.

ORDER

- (i) The Criminal Application is disposed of.
- (ii) The learned Sessions Judge is requested to prepone the Application to Monday i.e. on 28 March 2022.
- (iii) An endeavour shall be made to hear and dispose of the main Application on the same day.
- (iv) Till next date, no coercive steps shall be taken against the Applicants, in connection with investigation of Crime No. 61/2022 of Police Station Kothrud, Pune City, subject to the Applicants cooperating with the Investigating Agency, as and when required.
- (v) Needless to mention that the learned Sessions Judge shall decide the Application on its own merits and in accordance with law, without being influenced by the grant of interim protection by this Court.

(C.V. BHADANG, J.)