

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

ANTICIPATORY BAIL APPLICATION NO.1242 OF 2022

Rajesh Chaurasia

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Milan Desai for the Applicant.

Ms A.A. Takalkar, APP for Respondent -State.

Mr. Mahendra Bhambre, API Kashimira Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th MAY, 2022.

P.C.:-

1. The Applicant herein has filed this application under Section 438 of Cr.P.C. since his prayer for interim protection has been rejected by the learned Additional Sessions Judge, Thane.

2. Heard Mr. Desai, learned counsel for the Applicant and Ms Takalkar, learned APP for Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The case of the prosecution is that co-accused Pranay Surve and Mehaboob Jamadar were arrested while transporting Gutkha by Rikshaw No.MH-47/AJ-1396. Hence, Crime No. I-75 of 2022 came to be

registered with Kashimira Police Station, District-Thane, for offences punishable under Sections 273, 278 and 328 r/w. 34 of the IPC and Sections 26(2) (4) and 30(2)(a) of the Food Safety and Standards Act, 2006.

4. It is the case of prosecution that one of the co-accused, who is named as 'RD' as one of the persons involved in the crime. The Applicant states that the investigating agency has sought to implead him in the crime on the premise that he is Mr. RD as named by the co-accused. Apprehending his arrest, the Applicant filed Anticipatory Bail Application No.1379 of 2022 before the Sessions Court. Learned Additional Sessions Judge, Thane, declined to grant interim protection on the ground that the Applicant is not entitled for blanket protection.

5. It is to be noted that pending hearing the application, the Applicant is sought to be arrested on the basis of the statement of the co-accused implicating one Mr. RD. The application for pre-arrest bail will itself be rendered infructuous with the arrest of the Applicant. Hence, till the matter is investigated and the role of the Applicant is established in the aforesaid crime, the Applicant is entitled for interim protection, though not for blanket protection.

6. Considering the above facts and circumstances, the application is allowed. The Applicant is granted interim protection pending disposal of the Anticipatory Bail Application No.1379 of 2022 pending before the learned Additional Sessions Judge, Thane on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No. I-75 of 2022 registered with Kashimira Police Station, District - Thane, he shall be released on interim bail on executing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the Investigating Officer for four days from 09/05/2022 between 11.00 a.m. to 2.00 p.m.;
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.
- (iv) The Applicant shall not interfere with the witnesses and tamper with the evidence in any manner.
- (v) The order shall remain in force till the application for anticipatory bail being ABA No.1379 of 2022 is decided on merits.

7. Learned Additional Sessions Judge, Thane, shall decide the application on merits within one month from the date of receipt of copy of this order.

8. The application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)