

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1403 OF 2022

Narendra Lalchand Mehta & Anr. .. Applicant

Versus

State of Maharashtra .. Respondent

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Mr. Aabad Ponda a/w. Adv. Tarun S. Sharma, Adv. Anju, Adv. Kiran, Adv. Gayatri, Adv. Sunita for the applicant.

Ms. Aruna S. Pai, APP for the respondent State.

CORAM: BHARATI DANGRE, J.

DATED : 26th MAY, 2022

(Vacation Court)

P.C:-

1. The present application deserves to be disposed of with a limited direction being issued to the Special Court, Thane, to decide the Criminal Bail Application No.1929 of 2022 pending on its file.

2. The learned Senior Counsel has invited my attention to the order dated 23.05.2022, when the learned Special Court has issued notice to the Investigating Officer, as to why ad-interim relief cannot be granted below Exh.3 in the Criminal Bail Application. The proceedings are now adjourned to 30.05.2022.

The learned Senior Counsel is extremely critical of the manner in which the matter has been dealt by the Special Court

particularly, when ad-interim protection was pressed into the service. According to him, the course to open to the learned Judge was either to refuse to reject the application or grant ad-interim relief as prayed for instead of issuing notice as to why the relief could not be granted in terms of Maharashtra amendment to Section 438 of Cr.P.C.

The learned Public Prosecutor, Mrs.Aruna Pai has no dispute about the legal position prevailing but she submits when the matter is slated for hearing on 30.05.2022, the investigating officer will respond to the notice of the Court on the returnable date.

She state that Criminal Bail Application no.1929 of 2022 pending on the file of the Special Court shall be adjudicated on 30.05.2022.

On instructions from the investigating officer, Navnath Shambu Jagtap, DGP who is present in the Court, the learned APP make a statement that he shall not effect arrest of the applicant.

3. In the light of the above arrangement, the Special Court shall proceed to deal with the Criminal Application of the applicant on 30.05.2022 on its own merits and it is open for the learned Judge either to decide the same finally or to decide grant of ad-interim relief as prayed for by the applicant.

The present application stands disposed of.

(SMT. BHARATI DANGRE, J.)