

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.653 OF 2020
ALONGWITH
INTERIM APPLICATION NO.1439 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO.653 OF 2020**

Ramesh Bheraram Suthar & Anr.	]	..	Applicants
vs.			
State of Maharashtra	]	..	Respondent

Mr.D.K. Jain, for the Applicant.

Smt.Anamika Malhotra, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 19th SEPTEMBER, 2022.

P.C.

1] By order dated 19.03.2020, the Applicant was admitted to protection from arrest.

2] This order being in existence, the Applicants came to be arrested and produced before the Magistrate. The Investigating Officer sought for magisterial custody which was granted by order dated 14.10.2021. The learned JMFC Vasai noted that the arrest of the accused was wrongful since he was protected by the order of the High Court, which was not yet vacated. Recording that the arrest was in violation of the

order and in accordance of which the Investigating Officer has requested for taking accused in judicial custody, consideration of the Bail Application was held to be error on the part of the Court. The accused was set at liberty on 14.10.2021. The order dated 14.10.2021 is taken on record and marked as x-for identification.

3] Considering the gap of time, since custodial interrogation of the Applicant, after such a long period of time, is not warranted and particularly when the Applicant was produced before the Investigating Officer, the Investigating Officer did not seek police custody, I do not think his custodial interrogation is necessary. Hence, the order dated 19.03.2020 is made absolute. Interim Application is also disposed off.

[BHARATI DANGRE, J]