

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1556 OF 2022**

Sameer Anil Darole .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Dilip Shukla with D.K. Shukla i/b D.D.Singh for the applicant.

Mrs. Anamika Malhotra, APP for the State.

API Kadam from Kandivli police station present

CORAM: BHARATI DANGRE, J.

DATED : 16th JUNE, 2022

P.C:-

1 The applicant has moved this Court, apprehending his arrest in C.R.No. 689/2022 registered with Kandivli police station, invoking Sections 505(1)(b)(c), 505(2) r/w Section 34 of the IPC and Section 135 of the Maharashtra Police Act.

 Perusal of Section 505 of the IPC would reveal that the offence punishable u/s. 505(1)(b)(c) as well as sub-section (2) is punishable with Imprisonment, which may extend to three years or with fine or both.

2 When particularly inquired as to why the decision in Arnesh Kumar Vs. State of Bihar & Ors, (2014) 8 SCC 273, is

not followed, the learned APP on instructions of the Investigating Officer, who is present in the Court, state that he shall follow the imperative mandate of the Apex Court since the offence is punishable with imprisonment which may extend to three years.

3 Upon such statement, application is disposed off reserving the liberty in the applicant, if any contingency arises.

(SMT. BHARATI DANGRE, J.)