

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1679 OF 2022

Antony Sequeira .. Applicant

Versus

Assistant Police Inspector & Anr. .. Respondents

...

Mr.Pankaj Jain with Ms.Tejashree R. Kamble i/b D.D.Jain & Co. for the Applicant.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

Mr.Siddhant Dhavale with Mr.Mahesh Ahire, Mr.Waseem Pangarkar i/b MZM Legal for the Complainant.

Mr.Padwale, API attached to EOW,Mumbai, present.

...

CORAM: BHARATI DANGRE, J.

DATED : 27th JUNE, 2022

P.C:-

1. A limited grievance of the applicant is that on 16/06/2022, the Investigating Officer who was present in the Court, made a statement that he will not arrest the applicant till the next date of hearing i.e. 20/06/2022.

2. On the next date, when the matter was listed before the regular Court, despite the Special Public Prosecutor being

absent, considering that the accusations faced by the accused are serious, interim protection was vacated.

The matter is now listed on 02/07/2022.

3. It is to be noted that there was no interim protection granted, but since the Investigating Officer made a statement that he will not arrest the accused, merely because the reply has come on record opposing grant of interim protection, it was not proper on the part of the Court to vacate the interim relief unless and until, the Investigating Officer was not ready to continue the said statement. Pertinent to note that even the Special Public Prosecutor was not present.

4. In the aforesaid circumstances, the learned Judge to determine on merits, whether the applicant is entitled for interim relief or not, on hearing the counsel for the applicant as well as the Special Public Prosecutor. He shall consider the request for interim relief on the next date and the Investigating Officer is at liberty to withdraw his statement.

5. The application stands disposed off.

(SMT. BHARATI DANGRE, J.)