

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2055 of 2022

Rohan Shamrao Shelke	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Satyavrat Joshi i/b Nitesh Jaywant Mohite for the applicant.
Mr.S.H.Yadav, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 29th JULY, 2022

P.C:-

1 Since the Anticipatory Bail Application filed by the applicant is pending before the 27th Addl. Sessions Judge and slated for hearing on 8/8/2022, the present application cannot be entertained.

2 The learned counsel Mr.Joshi, however, invited my attention to Maharashtra Amendment in Section 438, wherein it is incumbent upon the Sessions Court or the High Court either to grant interim protection or reject the application on the very date on which it is filed, an application cannot be simply kept pending.

3 The learned Judge shall take note of the above provisions.

4 The learned counsel Mr.Joshi also state that initially the offence invoked in the subject C.R was u/s.324, where he was released on bail, the offence being bailable. Now, Section 328 has been added and it is expected that the Investigating Officer shall follow the procedure before arresting the applicant, since non-bailable Section has been added to the subject C.R.

5 In the wake of the above observation, application is disposed off.

(SMT. BHARATI DANGRE, J.)