

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL SIDE APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3217 OF 2021

1 Ratna Anil Tare
2 Anil Govind Tare
3 Nikita Anil Tare @ Nikita S. Vaity .. Applicants.
v/s.
The State of Maharashtra .. Respondent.

Mr. Ghanshyam Upadhyay a/w. Mr. Bhaskar Jha i/b. Law Juris, for the Applicants.

Mr. Ajay Patil, APP for the Respondent-State.

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CORAM: SARANG V. KOTWAL, J.
DATED : 5th JANUARY, 2022.
(THROUGH VIDEO CONFERENCING)

PC:-

The Applicants are seeking anticipatory bail in connection with FIR No.283 of 2021 registered with Palghar Police Station under Sections 406, 420, 465, 467, 468, 471, and 474 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2 Heard Mr. Upadhyay, learned Counsel for the Applicants and Mr. Patil, learned APP for the Respondent-State.

3 The Applicants have approached the Court of Sessions for the same relief vide Cri. Bail Application No.392 of 2021 dated 29th December, 2021 for anticipatory bail which is pending before the Additional Sessions Judge, Palghar. During pendency of said application, the Applicants had approached this Court invoking concurrent jurisdiction of this Court

mainly on the ground that the Applicants were not granted any interim protection vide order dated 29th December, 2021.

4 The learned Counsel for the Applicants state that he was not heard. This order was passed on 29th December, 2021. Till today, application is not decided. He submitted that the Court had option to grant interim protection or reject the main application itself on 29th December, 2021. He has not passed either of these orders.

5 I have considered these submissions. I have also perused the FIR. The gist of the FIR is that the investors had invested huge amount with the Applicants' Co-operative Credit Society. The amount was lost. Learned Counsel submitted that Applicants were cheated by different persons. They are also victims.

6 At this stage, the anticipatory bail application is pending before the Sessions Court. Considering that fact, it is necessary to allow the Sessions Court to decide that application. The applicants presence and co-operation in investigation can be secured by imposing suitable conditions.

7 Hence, the following order:-

- (i) By way of limited protection, in the event of their arrest in connection with CR No.283 of 2021 registered with Palghar Police Station, Thane, the Applicants are directed to be released on bail on their furnishing PR bond each in the sum of Rs.30,000/-(Rupees Thirty Thousand Only) each

with one or two sureties each in the like amount. This interim protection is granted till decision of the Applicants' application by Sessions Court or till 20th January, 2022; whichever is later.

- (ii) The learned Judge shall make an endeavor to decide the application on or before 20th January, 2022. In the meantime, the Applicants shall attend the concerned Police Station from 10th January, 2022 to 15th January, 2022 between 1 to 5 p.m. They shall co-operate with the investigation.
- (iii) It is made clear that granting of this limited protection will not come in the way of decision of the anticipatory bail application pending before the Sessions Court in any manner. The Sessions Court shall decide it independently without being influenced by this order. All questions are specifically left open.

8 Application is disposed of accordingly.

(SARANG V. KOTWAL,J.)