

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.478 OF 2022

Mr Jayesh Rampal Shahu and another

Versus

State of Maharashtra, through P.S.O., P.S. Lakadganj, District Nagpur and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.Dewani, Advocate for the applicants.

Shri V.A. Thakre, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 01/07/2022

1. The applicants are seeking pre-arrest bail in connection with Crime No. 163/2022, for the offences punishable under Sections 420 and 120B of the Indian Penal Code, Crime No. 166/2022 for the offences punishable under Sections 420 and 120B of the Indian Penal Code, Crime No. 167/2022 for the offence punishable under Section 420 of the Indian Penal Code and Crime No. 168/2022 for the offences punishable under Section 420 and 120B of the Indian Penal Code, 1860, all the offences registered with Police Station Azad Chowk, District - Raipur (City).

2. The learned counsel for the applicants submits that the name of the applicant is not featured in the FIR. There are four FIR's, registered with the Police Station,

Azad Chowk, Raipur City for the offences punishable under Sections 420 and 120B of the Indian Penal Code arising out of the same transaction. He submits that the allegations are against the vendor of the applicant and in no way the applicant is connected with the alleged offence. He therefore, submits that interim bail may be granted, so as to enable the applicant to approach to the concerned competent Court to apply for grant of bail.

3. Learned counsel for the applicants in support of his submission, has placed reliance upon various judgments of this Court, wherein, it is held that anticipatory bail for certain period can be granted, in such situation.

4. Shri V.A. Thakre, learned APP is not disputing the law regarding grant of transit bail. However, he submits that consolidated application is filed in stead of filing separate applications for all the four crimes.

5. I have perused the FIR and the allegations made in the FIR.

6. This Court, time and again has observed that the transit anticipatory bail is permissible. This Court, in the case of *Shantanu Shivlal Muluk vs State of Maharashtra and another*¹ , *Ketan Kankia vs State of Goa*² , *Porajith Thayyil*

1 HC of Bombay, Aurangabad Bench Cri. Misc. App. No.154/2021

2 HC of Bombay, Goa Bench, Cri. Misc. App. No. 748/2021

*Kallil s/o Jogesh K J vs State of Maharashtra*³, has considered the issue about grant of anticipatory transit bail and held in favour of the applicants in those cases, after considering the various judgments of this Court and the Hon'ble Supreme Court of India.

7. Thus, considering the above referred settled law, I am of the opinion that the applicants are entitled for grant of anticipatory transit bail. In the circumstances, I pass the following order:

- a) It is directed that the applicants in Crime No. 163/2022, for the offences punishable under Sections 420, and 120B of the Indian Penal Code, Crime No. 166/2022 for the offences punishable under Sections 420 and 120B of the Indian Penal Code, Crime No. 167/2022 for the offence punishable under Section 420 of the Indian Penal Code and Crime No. 168/2022 for the offences punishable under Section 420 and 120B of the Indian Penal Code, 1860, registered with Police Station Azad Chowk, District - Raipur (City), the applicants shall be released on transit bail on furnishing P.R. Bond of Rs.25,000/- in each crime with one solvent surety in the like amount in each case.

3 HC of Bombay, in ABA No. 161/2022

- b) This order shall remain in force for two weeks from today to enable the applicants to approach the Competent Court for seeking appropriate relief.
- c) It is made clear that on expiry of two weeks period, the protection shall stand automatically cancelled.

[ANIL S. KILOR, J.]