

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

ANTICIPATORY BAIL APPLICATION NO.493 OF 2023

Dhawal Devraj Jain	.. Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Srinivas. Bobde a/w Sandesh V. More a/w Nikhil Kamble
Advocate, for the Appellant.

Smt. M.R. Tidke, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 2nd MARCH, 2023**

PC. :

1. At the outset learned counsel for the applicant submitted that the applicant's earlier Anticipatory Bail Application was rejected vide order dated 28.7.2021 by this Court in ABA No.1725/2021. He submitted that since then the applicant was not arrested. He submitted that by passage of time due to change in circumstance he also claims parity with other co-accused who were granted anticipatory bail by the Sessions Court and therefore this application is preferred. However, he submits that on merits the Court has considered all the points raised by the applicant. He further submitted that recently the applicant has lost one of his infant son and the

other son is still in the ICU, therefore, some humanitarian approach may be adopted.

2. I am inclined to show sympathy to the applicant on this humanitarian aspect. On merits, I have already rejected the applicant's earlier anticipatory bail application and learned counsel is not pressing this application on merits anyway.

3. Considering that the applicant was not arrested since rejection of his earlier application vide order dated 28.7.2021, some period can be granted for the applicant to surrender. In the meantime, he can be directed to cooperate fully with the investigating agency including giving his statement, if any, required by the investigating agency. In this view of the matter the applicant can surrender after the period specified by the Court. The Court where he surrenders shall decide his bail application, if any, at the earliest taking into account whether he cooperated with the investigation or not and on other grounds available to both sides.

4. Learned APP, on instructions, does not have objection to this course of action.

5. Hence, the following order :

:: O R D E R ::

- i. The applicant is permitted to surrender before the investigating agency after 24.4.2023.
- ii. In the meantime, he shall attend the investigating agency's office as and when called and shall fully cooperate with the investigating agency.
- iii. Till 24.4.2023, in the event of his arrest in connection with C.R. No.100/2021 registered with N.M. Joshi Marg Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount.
- iv. After his surrender, if the applicant prefers regular application for bail, it shall be decided at the earliest in accordance with law. Both the sides shall cooperate for the early disposal of the bail application.
- v. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)