

Chaitali Ekke

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

ANTICIPATORY BAIL APPLICATION NO. 1385 OF 2023

Dineshbhai Premjibhai Patel & Anr.

...Applicants

Versus

State Of Maharashtra

...Respondent

....

Mr. Sitesh Sharma a/w Mr. Vijay Upadhyay, for Applicants.

Ms. P.N. Dabholkar, APP for State.

Mr. Rohan Hogle, for Org. Complainant.

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**CORAM : RAJESH S. PATIL, J.
VACATION COURT**

DATED : 10th MAY 2023

P.C.:

1 Advocate for Applicant states that tomorrow the matter is fixed before the Additional Sessions Judge, Vadgaon Maval, Pune for hearing of the main Criminal Bail Application No. 266 of 2023, filed by the Applicant. Advocate for Applicant states that on two occasions i.e. 02.05.2021 and 08.05.2023, adjournment was sought on behalf of the Investigating Officer before the Sessions Court and as the say was not filed, it has been adjourned to 11.05.2023.

2 Advocate Ms. Dabholkar appearing for the State, on instructions from the concerned Officer state that 'Say' of the State is ready. She even has a copy of State's 'Say', submitted to her by the Investigating Officer. She states that tomorrow no adjournment will be

sought from State's side. The State's Advocate will argue the main application before the Sessions Court.

3 Advocate for Applicant states that since tomorrow, the main application is heard by the Sessions Court, he is now praying that Protection granted to Applicant by this court by order dated 08.05.2023 may be extended till tomorrow. Ms. Dabholkar, APP opposes this prayer of the Applicant's Advocate as she states on 08.05.2023, the State had stated that they didn't have a copy of the Application hence accommodation was sought. On 08.05.2023, according to her Advocate for Applicant served, an additional copy to the State's Advocate, and, therefore, the matter was adjourned to today i.e. 10.05.2023. Therefore, as a matter of indulgence the Applicants were protected till today. So also the Investigating Officer was not present in court on 08.05.2023. Since the matter is posted tomorrow for hearing, both the parties sought adjournment. In fairness, Ms. Dabholkar states that as the matter is posted today and as on 08.05.2023, Respondent has been directed not to take any coercive steps, they will not take any coercive steps. This court has not dealt with the application on merits because only by way of indulgence on 08.05.2023, the Investigating Officer not being present and Advocate appearing for the State did not have even the papers of the matter with him, the order of no coercive steps was passed.

4 This Anticipatory Bail Application filed against Interim order is, therefore, disposed of as withdrawn. This court has not made any observations on merits of the matter.

5 The Sessions Court is directed to decide the matter in accordance with law after hearing the parties on merits, and also hearing the Advocate present for the complainant.

6 Hence, the present Anticipatory Bail Application against interim order, on request of the Applicant is allowed to be withdrawn as dismissed and accordingly disposed off.

(RAJESH S. PATIL, J.)