

CRIMINAL APPLICATION NO.141 OF 2023

Mrs.Rajesh Krushna Malik ...Applicant
vs.
State of Maharashtra & Anr. ...Respondents

Mr. Sanjay P. Shinde for the Applicant.
Mr. S. R. Agarkar APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 9TH AUGUST 2023

P.C. :

1. In view of the urgency, this matter is taken up on production board.
2. Learned Advocate for the Applicant is busy before the Division bench. Matter is kept back.

Later on :

3. Learned Advocate for the Applicant-complainant appeared and submitted that the Anticipatory Bail Application of Respondent No.2-accused is pending before the Court of Additional Sessions Judge, Thane and interim protection is granted on 14th

July 2023, and now the matter is fixed on 10th August 2023. Learned Advocate for the Applicant relied upon the observations in case of *Arjun Kishanrao Malge Vs. State of Maharashtra and Ors in Public Interest Litigation No.5 of 2021 dated 8th April 2021, (Coram : Dipankar Datta, CJ & G. S. Kulkarni, J.)*.

4. I think when the Anticipatory Bail Application is pending, this Applicant can agitate the said issue before the Sessions Court. The Applicant is at liberty to file an application before the Sessions Court on the basis of observations made in the aforesaid judgment. If such application is filed, let the Court of Additional Sessions Judge, Thane may decide the application on merits.

5. This Application is disposed of.

[S. M. MODAK, J.]