

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 936 OF 2023
IN ABA/249/2023**

SYED AZHAR SYED NAZEM
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Ashok P. Gaikwad, Advocate for Applicant
Mr. A.R. Kale, APP for Respondent No.1 – State
Mr. R.S. Deshmukh, Sr. Advocate i/b Mr. S.B. Rajebhosale, Advocate
for Respondent No.2

...
CORAM : NITIN B. SURYAWANSHI, J.

DATE : 08th FEBRUARY, 2024

PER COURT :

1. By this application, applicant seeks permission to assist the prosecution in Anticipatory Bail Application No.936/2023.

2. Heard learned advocate for applicant/intervener, who claims that he is whistle blower and he had filed petition in this Court seeking registration of crime against respondent No.2. During pendency of that petition since crime was registered, he has withdrawn the petition. He, therefore claims that he is interested as victim in the crime and therefore, he may be given opportunity of hearing in present matter for opposing anticipatory bail. In support of his submissions, learned advocate for applicant has relied on **Dr. Subramanian Swamy Vs. Dr. Manmohan Singh and Another, AIR 2012 SC 1185.**

3. Prosecution is already taking care of the interest of public and prosecuting the case on behalf of the society. Applicant cannot be said to be victim of crime and/or interested party in the matter. Reliance placed by learned advocate for applicant in case of ***Dr. Subramanian Swamy*** (supra) is misplaced and misconceived. Hence, the application is rejected.

(NITIN B. SURYAWANSHI, J.)