

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

ANTICIPATORY BAIL APPLICATION NO. 36 OF 2024

Aditya Vilas Tandale
Versus
State of Maharashtra

..Applicant

..Respondent

Mr. Amol Jagtap for Applicant.
Ms. Pallavi N. Dabholkar, APP for State/Respondent.
Ms. Sonali R. Chavan for Intervenor.

CORAM : SARANG V. KOTWAL, J.
DATE : 9 JANUARY 2024

P.C. :

1. The Applicant is aggrieved by the order dated 03.01.2024 passed by the Additional Session Judge, Thane, below Exhibit-3 in Bail Application No. 20 of 2024. The Applicant and four others had filed the said application for the relief U/s.438 of the Cr.P.C. They are apprehending their arrest in connection with C.R.No. 419 of 2023, registered at Kasarwadavli Police Station, on 24.12.2023, under sections 323, 406, 498-A, 504 and 506 r/w. 34 of the Indian Penal Code. There are allegations of harassment caused to the first informant who was wife of the present

applicant. It is alleged that, she had spent Rs.85 lakhs in the marriage on demands of the applicant's family. There are instances where the applicant had harassed her after consuming liquor and on one occasion he had even kicked her causing bleeding. All these allegations are the subject matter of the F.I.R.

2. Heard Shri. Amol Jagtap, learned counsel for the applicant, Ms. Sonali Chavan, learned counsel for the Intervenor and Ms. Pallavi Dabholkar, learned APP for the State.

3. The applicant and his family members are shown as accused in the F.I.R. and they have preferred anticipatory bail application before the Court of sessions at Thane. During pendency of that application, by the impugned order, except the applicant, his parents and two sisters are granted interim protection. The application is still pending.

4. Learned counsel for the applicant invited my attention to the said order dated 03.01.2024. He submitted that, there is absolutely no reasons given for not granting ad-interim relief to the applicant. The notice to the prosecution is made returnable on

12.01.2024. Therefore, if in the meantime, the applicant is arrested, then his application would become infructuous.

5. Learned counsel for the intervenor submitted that the offences are made out in the F.I.R. and, therefore, no protection be granted to the applicant.

6. Learned APP left the matter to the discretion of this court.

7. I have considered these submissions. Since the main anticipatory bail application is pending before the Court of Sessions at Thane, it would not be appropriate to comment conclusively about the propriety of granting final relief of the anticipatory bail order. However, I have considered the matter from the angle whether ad-interim relief would cause any prejudice to the prosecuting agency. From that point of view, in my opinion, no harm will be caused if for a few days the applicant is protected till his anticipatory bail application is finally decided by the Additional Session Judge, Thane. If ad-interim relief is not granted to the applicant, his application will become infructuous.

He deserves a fair opportunity to present his case for the relief U/s.438 of the Cr.P.C. before the Sessions Court.

8. Hence, the following order :

ORDER

- i) Till the Bail Application No.20 of 2024 for the relief U/s.438 of the Cr.p.c. is decided by the Additional Session Judge, Thane, in the event of his arrest in connection with C.R.No. 419 of 2023, registered at Kasarwadavli Police Station, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) It is made clear that the learned Additional Session Judge, Thane is at liberty to decide the pending Anticipatory bail application in accordance with law on its own merits. This Court has not expressed its opinion on the merits of the matter.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)