

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

CRIMINAL APPLICATION NO.58 OF 2024

Zarapsha Maaz Shaikh

...Applicant

versus

The State of Maharashtra and Ors.

.... Respondents

Mr. Bharat Mirchandani i/b Manoj Mirchandani for the Applicant.
Ms. M.H. Mhatre, APP for the State/Respondent.
Mr. Ganesh R. Waghmare for Respondent Nos. 2 to 6.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th JANUARY 2024

P.C. :

1. The Applicant has rushed to this Court challenging the order dated 16th December 2023 passed in ABA No.2646 of 2023 by the Additional Sessions Judge Mumbai.
2. Heard, Mr. Bharat Mirchandani learned counsel for the Applicant, Ms. M.H. Mhatre learned APP for the State and Mr. Ganesh Waghmare for learned counsel Respondent Nos. 2 to 6.
3. These respondents have preferred an anticipatory bail application before the Court of session which is still pending. On 16th December 2023 interim protection was granted to these

respondents.

4. Learned counsel for the Applicant's grievance is that the learned Judge had observed that in his opinion, there is no necessity of immediate custodial interrogation. He submitted that this observation may not come in his way in favour of these respondents when the anticipatory bail application is decided finally. It is needless to say that, since the anticipatory bail application is still pending, learned Judge is required to decide it in accordance with law on its own merits. These observations are made by him only at the stage of consideration of ad-interim relief.
5. Therefore, no further observations is necessary. I am told that the next date before the Session Court is on 5th February 2024, learned Judge shall decide the said application in accordance with law on its own merits and, also on consideration of necessity of custodial interrogation.
6. With these observations, the Criminal Application is disposed of.

(SARANG V. KOTWAL, J.)