

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

ANTICIPATORY BAIL APPLICATION NO.301 OF 2024

Suryaji Bhivaji Kamble

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Ashok M. Saraogi, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.273/2023, dated 05/12/2023, registered with Rabodi Police Station, Thane City, under sections 420, 406 r/w 34 of the Indian Penal Code.

2. Heard Mr. Ashok M. Saraogi, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

3. At the outset learned counsel for the Applicant points

Nesarikar

out that the Applicant's Anticipatory Bail Application is pending before the learned Special Judge, (MPID) at Thane.

4. Learned APP therefore submitted that the present application may not be entertained. There is merit in this submission.

5. However, learned counsel for the Applicant states that the matter was posted before that Court on 11/01/2024 and on that day for the first time, the Applicant came to know that the provisions of MPID Act were applied. Learned counsel for the Applicant appearing on that date sought adjournment so that his Senior could appear in that matter. On that date, the next date was given as 29/01/2024. Till that date, the Applicant was not protected. On 29/01/2024 the learned Judge was not available and the matter was not called out and the next date was given as 05/02/2024. Mr. Saraogi submitted that though it is a matter of only two days, but the Applicant is apprehending his arrest because the police officers are standing outside his office. He

makes a statement that the Applicant is ready and willing to deposit the entire amount of the alleged offence which is the subject matter of this FIR. He submitted that only for two days the Applicant be protected and that learned counsel for the Applicant will take appropriate steps before the Special Court to pursue his pending Anticipatory Bail Application.

6. Considering this situation and since the learned Judge was not available on 29/01/2024, some protection can be granted to the Applicant, till the next date before the same learned Judge. The next date is within two days i.e. on 05/02/2024. No harm will be caused if the Applicant is protected till that date. It is made clear that the learned Judge is at liberty to decide the Anticipatory Bail Application pending before him in accordance with law and on its own merits without being influenced by this order.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.273/2023, dated 05/12/2023, registered with Rabodi Police Station, Thane City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount, till 05/02/2024 only.
- (ii) The application is disposed of.

(SARANG V. KOTWAL, J.)