

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

ANTICIPATORY BAIL APPLICATION NO.630 OF 2024

Mohomed Morani & Anr. Applicants

versus

State of Maharashtra & Ors. Respondents

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- Mr. Ashok Mundargi, Senior Advocate a/w Niranjan Mundargi a/w Ms. Keral Mehta, a/w Parvez Memon a/w Chirag Naik a/w Kush Agarwal i/b. MZM Legal LLP, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th MARCH, 2024

P.C. :

1. This is an application for Transit Anticipatory Bail. The Applicants are apprehending their arrest in connection with C.R.No.120/2024, dated 14/02/2024, registered at Karavi Kotwali Nagar Police Station, District-Chitrakut, State of Uttar Pradesh, under sections 286, 336, 338, 304 of the Indian Penal Code and under section 3(b) and 4 of the Explosive Substances Act, 1908.

2. The FIR is in respect of the incident of blast which had taken place on 14/02/2024. The FIR mentions that fire cracking was to be conducted on that day in respect of Bundelkhand Gaurav Mahotsav. The company by name Dome Entertainment Pvt. Ltd. was managing that event. The Applicants are Directors of that company.

3. This matter was listed before this Court on 06/03/2024. In view of the observations of the Hon'ble Supreme Court in the case of Priya Indoria Vs. State of Karnataka, as reported in 2023 SCC Online SC 1484, I had issued notice to the concerned Investigating Officer and the Public Prosecutor, who were seized of the subject matter FIR. The notice was made returnable on 08/03/2024. On the next date i.e. on 08/03/2024, affidavit of service was filed. But nobody had appeared for the Respondents. Therefore, to give them one more chance, I had issued fresh notice to the Respondents and it was made returnable on today's date. Private service was allowed.

4. Today, affidavit of service is filed. Learned counsel for the Applicants submitted that the Investigating Officer is served through an email. The concerned Public Prosecutor, who is seized of the matter, did not provide the email address, but he was delivered the notice by hand delivery. However, he refused to give acknowledgment. The affidavit of service to that effect is filed. It is taken on record.
5. Considering this situation, this matter can be decided, as the Respondents have not appeared before this Court. Learned APP of this Court does not have any instructions from these two Respondents from UP.
6. Learned Senior Counsel made various submissions on the merits of the matter. However, I am not referring to the merits of the matter because ultimately, the Applicants will have to approach the Court in U.P. to get relief u/s 438 of Cr.PC. However, I am taking into consideration the submission regarding difficulties faced by the Applicants in approaching the competent Court immediately.

7. Learned Senior Counsel submitted that one employee of the Applicant's company was already arrested. The Applicants have reasonable apprehension of their arrest in connection with the said incident. Both the Applicants are residents of Mumbai. On the date of incident also they were in Mumbai. Learned counsel for the Applicants submitted that there could not be vicarious liability under such circumstances. He submitted that the Applicants do not have any intention to evade the due process of law. They are willing to cooperate with the investigation. But they need some reasonable time to approach the competent Court to obtain relief in accordance with law.

8. Considering these submissions, I am inclined to grant them some reasonable time to enable them to approach the Competent Court in Uttar Pradesh to seek appropriate remedy u/s 438 of Cr.P.C. It is made clear that I have made no observations on the merits of the matter. It is left open for the competent Court to decide the issue on merit. I am only taking into account the necessity of the reasonable time to the Applicants. The Applicants have already deposited their passport

with the nearest police station and they have thus shown their bonafides.

9. Considering this situation, the following order is passed:

ORDER

- (i) In the event of their arrest in connection with C.R.No.120/2024, dated 14/02/2024, registered at Karavi Kotwali Nagar Police Station, District-Chitrakut, State of Uttar Pradesh, for a period of three weeks, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The police station, where the Applicants have deposited their passport, shall retain their passport for a period of 3 weeks from today, subject to the further orders by the competent Court of Uttar Pradesh.
- (iii) The Applicants shall cooperate with the investigation.

- (iv) This order shall operate for a period of three weeks from today.
- (v) The application is disposed of.

(SARANG V. KOTWAL, J.)