

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

ANTICIPATORY BAIL APPLICATION NO.1144 OF 2024

Abhijit Shyam Kulkarni	Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Amey D. Deshpande, Advocate for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 439/2024 registered with Wakad Police Station, Pimpri-Chinchwad on 6.4.2024 under Sections 354, 504, 506, 352 of IPC.

2. Heard Mr. Amey Deshpande, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. At the outset, learned APP pointed out that the Applicant has preferred Criminal Bail Application

No.2205/2024 under Section 438 of Cr.P.C. for anticipatory bail in connection with the same subject matter before the Additional Sessions Judge, Pune. The Applicant had preferred an Application for interim relief. That Application is still pending.

4. Learned counsel for the Applicant submitted that the Applicant had preferred an Application for interim relief in the main application below Exhibit-4. It was rejected on 16.4.2024 and the next date was given as 3.5.2024. In the meantime, the Applicant is without protection. Thus, though his Application for anticipatory bail is still pending, there is likelihood that he could be arrested. Therefore, he rushed to this Court for seeking appropriate remedy under Section 438 of Cr.P.C.

5. I have considered these submissions. Since the application for anticipatory bail preferred by the Applicant is pending before the Court of Session, it would not be appropriate to grant final relief in this Application at this stage. However, it is necessary to consider the Applicant's case till the Application before the Sessions Court is decided in the present subject

matter. Therefore, I have heard the parties and I have perused the FIR. The FIR is in respect of the incident dated 6.4.2024. The allegations are that the informant's friend had parked her two-wheeler at the parking lot which was not allotted to the informant. There was a quarrel between the Applicant and the informant's friend. The informant came to make inquiries. It is alleged that the Applicant threatened both of them. He had shown some weapons and he followed the informant and her friend towards her flat. It is alleged that he held the collar of the informant near her chest thereby outraging her modesty. On these allegations the FIR is lodged.

6. Learned counsel for the Applicant submitted that there were previous disputes between the informant and other members of the society. There used to be disputes about the parking place but serious colour is given to the incident by invoking the offence under Section 354 of IPC. The incident was a petty quarrel between the informant and the Applicant.

7. Considering these submissions, at least till the Application is decided by the Court at Pune, the Applicant can

be protected under Section 438 of Cr.P.C.. There is no reason as to why such protection cannot be granted to the Applicant when his Application is still pending before the Court of Session. Otherwise, the Application would become infructuous. In the present set of facts, the Applicant can be granted such a protection.

8. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No. 439/2024 registered with Wakad Police Station, Pimpri-Chinchwad, till the Criminal Bail Application No.2205/2024 is decided by the Additional Sessions Judge, Pune, the Applicant be released on bail on his executing a P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The learned Judge shall decide that Application on its own merits, in accordance with law.
- (iii) It is made clear that this order shall operate only till final disposal of anticipatory bail application before the Additional Sessions Judge, Pune.
- (iv) The Application is disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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(SARANG V. KOTWAL, J.)