

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1204 OF 2024

YUGANDHARA
SHARAD
PATIL

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Parvez Babu Khan

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Shubham Upadhyay a/w Fahad Qureshi, for the applicant.
Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 2nd MAY, 2024

P.C. :

1. In this application the Applicant has prayed for the relief of interim protection from arrest in connection with C.R No. 114 of 2024, registered at Rabale Police Station, Navi Mumbai, on 07/03/2024, under Sections 406 and 420 of the Indian Penal Code.

2. This is an application only for interim protection because the Applicant has approached the Court of the Additional Sessions Judge, Belapur for the relief under section 438 of Cr.P.C.

by preferring Criminal Bail Application No. 252 of 2024. That application is still pending. He had preferred an application at Exhibit B in the same bail application for the interim relief which was rejected vide the order dated 08/04/2024. Thereafter, the matter was posted on 25/04/2024. Learned counsel for the Applicant states that on that day, arguments of the Applicant's counsel were heard and then the matter was adjourned to 29/05/2024. Roznama shows that the matter is kept on 29/05/2024 for arguments. He submitted that since the Application is still pending, the learned Judge can pass the order either allowing or rejecting the application. But till 29/05/2024, the Applicant will be without protection though his anticipatory bail application is pending.

3. As far as the merit of the matter is concerned, the FIR mentions that the Applicant had taken Rs. 6 lakhs from the informant for giving him two rooms. However, these rooms were not given. The same premises were sold to somebody else. The Applicant returned only Rs. 1 lakh and the balance amount of Rs.

5 lakh was not returned.

4. Learned counsel for the Applicant states that he had no intention to misappropriate the amount. Only because of his financial constraints, he could not return the amount immediately but he will make every efforts to return the entire amount within a short time.

5. Learned APP submitted that the informant is present in the Court. She relied on the averments in the FIR to oppose this Application.

6. I have considered these submissions. As rightly submitted by learned counsel for the Applicant, the Applicant's anticipatory bail application is still pending before the Court of Sessions, Belapur, since the final order is yet to be passed by the learned Judge, he may decide the application finally either way. In this view of the matter, since the Applicant is without protection giving longer date was not really appropriate. Therefore, I am

inclined to protect the applicant till the said application is decided by the Court of Additional Sessions Judge, Belapur. However, since the informant is present before the Court and since the application for anticipatory bail is still pending before the Court of Sessions, the informant can still approach the Court of Sessions and make an application for intervention. He can also be heard before the final order is passed. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 114 of 2024, registered at Rabale Police Station, Navi Mumbai, till the Criminal Bail Application No. 252 of 2024 is decided by the Additional Sessions Judge, Belapur, the Applicant shall 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) The applicant shall attend the concerned Police Station every Sunday between 4.00 to 5.00 p.m. till the said application is decided by the Court of Sessions,

Belapur.

- (iii) The informant is at liberty to file an intervention application in the said Criminal Bail Application No. 252 of 2024 before the Additional Sessions Judge, Belapur.
- (iv) With these observations the Application is disposed of.

(SARANG V. KOTWAL, J.)