

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

ANTICIPATORY BAIL APPLICATION NO. 1228 OF 2024

Jigar Vipin Shah Applicant

Versus

The State of Maharashtra Respondent

Mr. B.D. Joshi i/b V. V. Pethe , for the applicant.

Ms. Mahalakshmi Ganapathy , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 3rd MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 174 of 2024 registered at Narpoli Police Station, Thane, on 19/01/2024, under Sections 407, 409 r/w 34 of the Indian Penal Code.

2. Heard Mr. B.D. Joshi, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. At the outset, learned counsel for the Applicant states that he has preferred Criminal Bail Application No. 375 of 2024, before the District Judge-1 and Additional Session Judge, Bhiwandi under section 438 of Cr.P.C. for anticipatory bail. The Application was filed on 10/04/2024. The application was simply adjourned from time to time and the next date is given as 09/05/2024. He submitted that the application is simply being adjourned without even considering the question of ad-interim or interim protection. Therefore, the applicant is without protection which is causing serious prejudice to him.

4. I agree with the submissions of learned counsel for the Applicant. If the application is pending before the Sessions Court, it has to be decided expeditiously and if it was to be adjourned, it was expected that some decision was taken on the question of ad-interim relief. Nothing was done and the matter was simply adjourned. In this view of the matter, I am inclined to protect the Applicant from his arrest till the said application is decided. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 174 of 2024 registered at Narpoli Police Station, Thane, till the Criminal Bail Application No. 375 of 2024 is decided by the Additional Sessions Judge, Bhiwandi, the Applicant is directed to 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 Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)