

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

ANTICIPATORY BAIL APPLICATION NO.1342 OF 2024

Nikhil Uttamrao Kate	Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Vikas B. Shivarkar, Advocate for the Applicant.
Ms. Rajeshree V. Newton, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.171/2024 registered with Sangli Police Station on 23.4.2024 under sections 377, 494, 354, 498A, 500, 323, 504, 506-II read with 34 of IPC.
2. Heard Mr. Vikas Shivarkar, learned counsel for the Applicant and Ms. Rajeshree Newton, learned APP for the Respondent-State.
3. Learned counsel for the Applicant submitted that the Applicant has preferred Anticipatory Bail Application along with his parents and brother vide Criminal B.A. No.2593/2024 before

the Additional Sessions Judge, Pune. All of them had preferred an application for interim protection vide Exhibit-4 in that Application. Learned Additional Sessions Judge, Pune vide his order dated 4.5.2024 granted interim protection to the other accused, but, rejected the prayer of the present Applicant for interim protection. Learned counsel for the Applicant informs the Court that the next date given is 21.5.2024.

4. I have perused the FIR and I have perused the order dated 4.5.2024. The FIR is lodged by the wife of the Applicant. There are various allegations in the FIR and some instances are also mentioned. They range from the year 2021 till lodging of the FIR. It is mentioned in the FIR that the present first informant is residing separately from the Applicant. She is residing with her parents. Since the Applicant's anticipatory bail application is still pending before the Additional Sessions Judge, Pune, it is not appropriate to make any observations on the merits of the matter. However, since the Applicant's Anticipatory Bail Application is still pending; the learned Judge has to pass the order in accordance with law, but, considering the long date given in that Application, if in between the Applicant is arrested,

his application would become infructuous and his valuable rights would be affected without finally deciding his application.

5. In this view of the matter, I am inclined to protect the Applicant till the said application before the Additional Sessions Judge is decided. It is made clear that the learned Judge is free to decide the matter in accordance with law on its own merits without being influenced by the present order. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with , till Criminal Bail Application No.2593/2024 for anticipatory bail 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) In the meantime, the Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

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