

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 922 OF 2024

Waman Barku Mhatre

....Appellant

V/s.

State of Maharashtra and Anr.

....Respondents

Mr. Viresh Purwant a/w R. Kale, for the Appellant.**Ms. Shilpa K. Gajare-Dhumal, APP for Respondent-State.****Mr. Rajkumar B. Dongre, ACP Crime Thane.**

CORAM : SANDEEP V. MARNE, J.

Date : 27 AUGUST 2024.

P.C. :

1) This Appeal is sought to be filed under Section 14-A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act), complaining that though an Application for pre-arrest bail has been filed on 22 August 2024 the same has not been decided even for grant of interim protection to the Appellant. With this limited complaint, production of the present Appeal was sought before this Court on 23 August 2024. This Court adjourned the hearing of the Appeal to 26 August 2024 since this Court was informed that the learned Sessions Judge had kept the Application filed by the Appellant for hearing and decision on 26 August 2024. Under a hope that the learned Judge would decide the Application in the morning session on 26 August 2024, this Court listed the present Appeal at 2.30 p.m. on 26 August 2024. However, it was informed to this Court on 26 August 2024 that the learned Judge was likely to hear the Application for Anticipatory Bail at 2.30 p.m. on 26 August 2024 and this is how the present Appeal came to

be listed today. However, it now transpires that even on 26 August 2024 no decision is taken on the Appeal even qua the prayer for grant of interim protection.

2) While Mr. Purwant the learned counsel appearing for Appellant complains that the Application came to be adjourned for no reason, it is the contention of Ms. Gajare-Dhumal the learned APP that the adjournment on 26 August 2024 is granted as time was sought by the complainant to file reply.

3) It appears that the Application for Anticipatory Bail is now posted by the learned Judge for hearing and decision on 29 August 2024. When the question of liberty of a citizen is involved, it is necessary that the Application for pre-arrest bail is taken up for decision and decided either finally or atleast for grant of interim protection in an expeditious manner. In the present case, the application is kept pending since 22 August 2024.

4) In that view of the matter, the learned Judge is directed to decide the Application for pre-arrest bail filed by the Appellant in accordance with law on 29 August 2024. Ordinarily this court would avoid issuing direction to the Trial Court to decide any proceedings on a particular day. However, in another Anticipatory Bail Application, this Court had noticed tendency on the part of the learned Judicial Officer to simply adjourn the Application, which was not decided even after a request was made by this Court. This Court was then required to direct the learned Judge to decide that Anticipatory Bail Application. This is why an unusual mode of directing the learned Judge to decide the Application on 29 August 2024 is required to be adopted in the present case. A report about status of the Anticipatory Bail Application shall be placed by the learned Judge before the Registry of this Court in the evening of 29 August 2024.

5) Since no decision has been taken on the Application for Anticipatory Bail, the present Appeal cannot be entertained. Therefore, the present Appeal is disposed of since the learned Judge is already directed to decide the Application for pre-arrest bail on 29 August 2024.

[SANDEEP V. MARNE, J.]

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