

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

ANTICIPATORY BAIL APPLICATION NO. 1023 OF 2024

Shubhda Subhash Shah Applicant

Versus

The State of Maharashtra and Anr. Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1024 OF 2024

Kisan Jagannath Gawali Applicant

Versus

The State of Maharashtra and Anr. Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1026 OF 2024

Babasaheb @ Bhimrao Vitthal Patil Applicant

Versus

The State of Maharashtra and Anr. Respondents

Mr. Dinesh P. Adsule a/w Vijaykumar Dhakane , for the applicant in all ABAs.

Ms. Poonam P. Bhosale, APP for the State/Respondent in ABA/1023/2024

Ms. Pallavi Dabholkar , APP for the State/Respondent in ABA/1024/2024 and 1026/2024.

CORAM :SARANG V. KOTWAL, J.

DATE : 16th APRIL, 2024

P.C. :

1. The learned counsel for the Applicants point out that in the past a co-ordinate Bench of this Court (Coram: N.J. Jamadar, J) has passed the ad-interim order on 11/12/2023 in ABA No. 3447 of 2023 of one Rahul Shaha in respect of the same subject matter i.e. C.R. No. 825 of 2023, registered at Mangalvedha Police Station.

2. Subsequently, during pendency of the present Applicants anticipatory bail applications before the Sessions Court, this Court had protected them till their applications were decided by the Sessions Court. The said order was passed on 02/01/2024 in ABA Nos. 3661 of 2023, 3666 of 2023 and 3667 of 2023.

3. After that, the notice was issued by the Registrar Judicial-I, on 08/02/2024, based on which the present Applications are required to be placed before the same learned Judge who had passed the ad-interim order in the same subject matter for one of the accused. In this view of the matter, since the

co-ordinate Bench has already passed ad-interim relief in favour of one of the accused. Therefore, these matters may lie before the same learned Judge. The Office to consider this situation and place these matters before the appropriate Bench. The Applicants are above 70 years of age. Therefore, for the time being they can be protected by the ad-interim order till the matters are listed before the appropriate Bench. Hence the following order.

ORDER

- (I) The Office to take steps to place these matters before the appropriate Bench.
- (ii) The Applicants shall not be arrested in connection with C.R. No. 825 of 2023 registered at Mangalwedha Police Station, Solapur till 26/04/2024.

(SARANG V. KOTWAL, J.)