

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

ANTICIPATORY BAIL APPLICATION NO. 1174 OF 2024

Shrinath Jaswant Singh & Anr.	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Anup Lahoti i/by Jaipal T. Patil for the Applicants.
Ms. Megha S. Bajoria, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 19th JULY 2024**

P.C. :

. Heard learned counsel for the applicants and learned APP for respondent-State.

2. In the present case, this Court passed an interim order in favour of the applicants on 21st May 2024.

3. Subsequent to the interim order passed in the present application, Division Bench of this Court on 13th June 2024 admitted Criminal Writ Petition bearing No. 2218 of 2024 filed by the applicants for quashing of the criminal proceedings and while admitting the petition, further proceedings have been stayed.

4. It is undisputed that the question regarding the very applicability of Section 328 of the Indian Penal Code, 1860 (IPC) in such cases is pending considering before the Supreme Court and

in the pending cases, the Supreme Court has granted orders for protection from arrest against the applicants under Section 328 of the IPC and other such offences.

5. This Court is of the opinion that in view of the aforesaid circumstances, when the very applicability of Section 328 of the IPC is under a cloud of doubt and the other offences under the IPC registered against the applicant are bailable, a case is made out for making the interim order absolute and allowing the present application.

6. In view of the above, the application is allowed and the interim order dated 21st May 2024 is made absolute, subject to the applicant continuing to cooperate with the investigation.

7. The application is disposed of.

MANISH PITALE, J.