

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1907 OF 2024

Rajendra Shinde ... Applicant
Vs.
State of Maharashtra ... Respondent

AND

ANTICIPATORY BAIL APPLICATION NO.1908 OF 2024

Nilesh Laxman Mengade ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Hrishikesh Mundargi i/b. Pravada Raut for Applicants.

Mr. Mayur S. Sonawane, APP for Respondent-State in ABA/1907/2024.

Ms. Megha S. Bajoria, APP for Respondent-State in ABA/1908/2024.

CORAM : MANISH PITALE, J.
DATE : JULY 25, 2024

P.C. :

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

2. The applicants herein are aggrieved by the orders dated 03.07.2024 passed by the Court of Additional Sessions Judge, Pune, whereby applications filed on behalf of the applicants under Section 438(1) of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking interim bail are pending consideration for grant of anticipatory bail. By the said orders, while rejecting the prayers of the applicants for interim bail under Section 438(1) of the Cr.P.C., the aforesaid Court kept the applications for consideration on 18.07.2024.

3. This Court is informed that on 18.07.2024, the applications were adjourned to 02.08.2024.

4. The learned counsel for the applicants relies upon Section 438(1) of the Cr.P.C. and in that context, the judgement of this Court in the case of *Shrenik Jayantilal Jain and another Vs. State of Maharashtra* (judgement and order dated **08.05.2024** passed in **Anticipatory Bail Application No.541 of 2014**). In the said case, this Court was called upon to interpret Section 438(1) of the Cr.P.C., particularly clause (iv) of sub-section (1).

5. After taking into consideration the rival submissions, this Court held as follows:-

“16. It was submitted that how long such adjournments can be granted and how long the applicant/accused be kept waiting for justice. Uncertainty is a greatest vice in the process of justice. An application of pre-arrest bail cannot be kept pending for a long time. At the earliest a decision in the matter is required; either he is protected or his application is rejected informed to him. Thus, having the third option open i.e., to simply adjourn a matter without passing any order in an Anticipatory Bail Application though is very much available to a judge such application is not to be adjourned for long time if no interim relief is granted. It is expected that it is to be expeditiously decided and, therefore, as a matter of prudence, the matter can be adjourned for final disposal without giving interim protection at the most for 2 to 3 days.”

6. The learned counsel for the applicants submits that the aforesaid position of law has not been followed by the Court of Additional Sessions Judge, Pune, in the present case, as the anticipatory bail applications of the applicants have been adjourned after rejecting their prayers for interim bail and the adjournments are for long periods of time. It is submitted that, at the most, the Court of Additional Sessions Judge, Pune could have adjourned the applications for two to three days and the applications ought to have been decided finally at the earliest.

7. The learned APPs appearing in these applications submitted that since the anticipatory bail applications of the applicants are now

adjourned to 02.08.2024, this Court may consider directing the aforesaid Court to finally decide both the anticipatory bail applications so that the grievance of the applicants is addressed. It is submitted that in any case, in the orders passed by the aforesaid Court, while rejecting the prayers for interim bail made on behalf of the applicants, it is specifically observed that considering the nature of the offences registered against the applicants, there is no reasonable apprehension of arrest.

8. There can be no quarrel with the position of law highlighted on behalf of the applicants by relying upon the judgement and order of this Court in the case of **Shrenik Jayantilal Jain and another Vs. State of Maharashtra** (*supra*).

9. Considering the observation of this Court in paragraph 16 of the judgement and order passed in **Shrenik Jayantilal Jain and another Vs. State of Maharashtra** (*supra*) to the effect that such a matter can be adjourned for final disposal without giving interim protection at the most for two to three days, this Court is inclined to advance the date of hearing of the anticipatory bail applications of the applicants pending before the Court of Additional Sessions Judge, Pune. Therefore, instead of hearing the said applications on 02.08.2024 as directed by the said Court, it is specifically directed that the Court of Additional Sessions Judge, Pune shall hear the anticipatory bail applications of the applicants finally on 29.07.2024 and dispose them of on the very same day.

10. With these observations, the present applications are disposed of.

(MANISH PITALE, J.)