

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

Anticipatory Bail Application No. 2750 of 2024

Anil Kumar Sharma
S/o. Shri. Balchand Sharma,
Aged about 36 years, Occ. Business,
R/at. A-203, Windsor Court,
Raheja Reflections-1 CHS Ltd.,
Near Thakur Village, Borivali (East),
Mumbai – 400 066.

...Applicant

Vs.

1. Inspector of Police
IC Cyber Cell Rudrapur, Cyber
Crime Cell, Udham Singh Nagar,
Uttarakhand.

2. The State of Maharashtra
(Through PP Office, High Court)

...Respondents

Mr. Brijesh Pathak, for the Applicant.
None for Respondent No.1.
Mr. M. G. Patil, APP for Respondent No.2 – State.

Coram: R. N. Laddha, J.
Date: 17 October 2024

P.C.

. None present for respondent No.1. Heard Mr. Brijesh Pathak, the learned Counsel appearing for the applicant and Mr. M. G. Patil, the learned Additional Public Prosecutor representing respondent No.2

/ State.

2. In this application, the applicant has approached this Court projecting extreme urgency in the matter for the reason that he apprehended arrest in connection with C.R. No.232 of 2024 registered at Transit Camp Police Station, Udham Singh Nagar, Uttarakhand, for the offences punishable under Sections 318(4), 336(3), 338 and 340(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned counsel for the applicant submits that the applicant is seeking limited relief of protection till he approach the competent Court of jurisdiction for seeking anticipatory bail in connection with the aforesaid crime. The learned counsel for the applicant submits that the applicant's name is not mentioned in the FIR, however, the officers of respondent No.1 have visited the applicant's residence and the applicant apprehends that he would be implicated in that crime. The learned counsel submits that the applicant is a resident of Mumbai and he needs reasonable time and opportunity to approach the Competent Court.

4. The learned APP emphasized that the FIR is registered at Transit Camp police station, Udham Singh Nagar, Uttarakhand, really speaking, the respondent / State would not have much to say in the matter. He suggests that even if this Court is inclined to grant relief, it may impose appropriate conditions, to prevent misuse of the relief.

5. The learned counsel for the applicant submits that the applicant is willing and ready to cooperate with the investigation and is not possessing the passport.

6. It is a settled position in law that the limited relief of protection can be granted to the applicant, only to facilitate approaching the competent Court of jurisdiction (N. K. Nair and Ors. Vs. State of Maharashtra and Ors. 1985 Cr.L.J. 1887, Shantanu Shivlal Mulak and Ors. Vs. State of Maharashtra 2021 ALL MR Cri. 1380 and Shrikant Gopilal Rath and Ors. Vs. State of Maharashtra and Ors. Criminal Writ Petition No.581/2021).

7. This Court is not going into the merits of the matter or entitlement of the applicant for grant of anticipatory bail in any manner. Since there is possibility of applicant's arrest in connection with the aforesaid crime, which cannot be said to be misplaced or imaginary, in the facts and circumstances of the case, it is appropriate to protect the applicant for a limited period to enable him to approach the competent Court of jurisdiction. Hence, the following order.

(i) The applicant is granted protection from coercive action or arrest in the present crime for a period of two weeks from today provided the applicant during this period shall not leave the State of Maharashtra except to travel to the State of Uttarakhand for moving such application before the competent Court of jurisdiction.

(ii) The applicant shall inform the concerned police station of State of Maharashtra about this order passed by the Court.

(iii) Needless to say that the applicant shall not act in any manner that would be prejudice to the investigation that may be carried out by the concerned police officer in respect of said FIR.

8. The application stands disposed of accordingly.

R. N. Laddha, J.