

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2855 OF 2024

Swapnil Nagesh Chandanshive @
Swapnil Nagnath Chandanshiv

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Veerdhawal Deshmukh i/b Mulyalkar & Associates, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 23rd OCTOBER, 2024.

SHRIKANT
SHRINIVAS
MALANI

P. C. :

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by SHRIKANT
SHRINIVAS
MALANI
Date: 2024.10.23
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1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The present application is filed for a limited purpose, as the anticipatory bail application of the applicant is still pending before the Sessions Court.

3. The applicant is apprehending arrest in connection with First Information Report No.0356 of 2024, dated 24.09.2024, registered at Police Station Pandharpur Rural, District Solapur, for offences under Sections 64(2) (m), 69, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

4. The learned counsel for the applicant submits that on 08.10.2024, the Sessions Court passed an order holding that no case was made

out for granting interim bail and adjourned the hearing of the anticipatory bail application. He states on instructions that the application is listed today i.e. 23.10.2024, for further consideration before the Sessions Court and that the say of the State is yet to be received. He Submits that in such circumstances, in the absence of any interim relief and the application being adjourned, if the applicant is arrested, the application itself would be rendered infructuous and the applicant would be deprived of an opportunity to approach this Court for the relief of anticipatory bail.

5. It was sought to be demonstrated that there are sufficient grounds for interim protection being granted to the applicant.

6. The learned APP submits that since the anticipatory bail application is pending before the Sessions Court, this Court may not entertain the present application.

7. This Court is of the opinion that while considering anticipatory bail applications, by the very nature of such proceedings being extremely urgent, the Court is expected to either decide the application immediately or if investigation papers are to be perused and response is to be called from the State, it advisable to either adjourn the hearing on the anticipatory bail application for a short period of a couple of days or if the hearing is to be adjourned for a longer period of time, in the normal course interim protection

is expected to be granted.

8. This Court is of the opinion that instead of passing reasoned order on 08.10.2024 for rejecting the interim bail, it would have been better for the Sessions Court to have decided the anticipatory bail application itself on the said date. But, since the hearing was adjourned for longer period for further consideration, interim protection was advisable.

9. This Court is consciously is not entering into the question as to whether the applicant has made out sufficient grounds for granting interim relief or protection from arrest, for the reason that the observations made by this Court may become a *fait accompli* for the pending anticipatory bail application before the Sessions Court. It may prejudice the case of the investigating authority against the applicant.

10. In such circumstances, the present application is disposed of in the following terms:

(A) The Sessions Court is directed to decide the pending anticipatory bail application of the applicant, at the earliest and in any case on or before 30th October, 2024.

(B) Till such time that the anticipatory bail application of the applicant pending before the Sessions Court is not decided, coercive steps shall not be taken against the applicant,

subject to the applicant cooperating with the investigation.

- (C) The Sessions Court shall proceed to decide the pending anticipatory bail application without being influenced by the limited protection granted in the present order.

- 12. The application stands disposed of.

(MANISH PITALE, J.)