

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

ANTICIPATORY BAIL APPLICATION NO. 2910 OF 2024

Dhanraj Shamrao Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Veerdhawal Deshmukh a/w Mr. Sarthak P. Shetty, for Applicant.
- Ms. Megha S. Bajoria, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 25th OCTOBER, 2024.

SHRIKANT
SHRINIVAS
MALANI

P. C. :

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SHRIKANT
SHRINIVAS MALANI
Date: 2024.10.25
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1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The present has been filed in peculiar circumstances. The applicant is apprehending arrest in connection with First Information Report No.0429 of 2024, dated 15.07.2024, registered at Police Station Wanwadi, District Pune, for offences under Sections 143(1) and 143 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (PITA).

3. The applicant filed anticipatory bail application before the Sessions Court on 03.09.2024. It was kept for hearing on 05.09.2024. Thereafter, it has been adjourned on various dates i.e. 23.09.2024, 08.10.2024, 11.10.2024 and 24.10.2024. This Court is informed that now the application is to be considered by the Sessions Court on 08.11.2024.

4. The grievance of the applicant is that while the anticipatory bail application is pending, the Sessions Court has not grant any interim protection and this adversely affects the applicant, in as much as the applicant being arrested in the interregnum would not only render the pending application before the Sessions Court infructuous, but it would take away the opportunity for the applicant to approach this Court to seek anticipatory bail.

5. The learned APP submits that this Court may direct the anticipatory bail application of the application be decided on the next date i.e. 08.11.2024.

6. This Court is of the opinion that in the manner in which Sessions Court has been dealing with the application for anticipatory bail of the applicant is in the teeth of the settled law that such applications have to be decided at the earliest possible and if proceedings are adjourned for response or say from the respondent – State or for perusal of the investigation papers, the proceedings ought to be adjourned for a short duration or couple of days. If adjournments are to be for a longer period, the Court is expected to pass appropriate orders or to grant interim protection or to decide the anticipatory bail application itself finally. Keeping the anticipatory bail application pending in such manner and adjourning it from time to time for dates that are longer than a couple of days, the right of the applicant is certainly adversely affect.

7. At the same time, this Court does not want to go into the merits of the matter, on the question as to whether the applicant is entitled for anticipatory bail or interim protection. Any comment on the merits of the matter would adversely affect either side i.e. the applicant or the respondent – State, in the application pending before the Sessions Court.

8. In view of the above, the application is disposed of with the following directions:

- (A) The Sessions Court shall finally dispose of the pending anticipatory bail application of the applicant on the next date of hearing i.e. on 08.11.2024.
- (B) Till the next date, no coercive action shall be taken against the applicant, subject to the applicant remaining present before the Investigating Officer on 29.10.2024, and thereafter as and when called by the Investigating Officer.
- (C) As noted hereinabove, it is made clear that the Sessions Court shall proceed to decide the anticipatory bail application of the applicant on merits without being influenced by the order passed today by this Court.

9. The application is disposed of in above terms.

(MANISH PITALE, J.)