IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 3392 of 2024

Rahul Vithal Gangani
Age 35 years, Occ. Service,
R/at. B/301, Lumbini Palace,
91, Tejpal Road, Vile Parle East,
Mumbai - 400 057. … Applicant

versus

1. The State of Maharashtra

2. The State of Jharkhand
(Through Mahila Thana
Nagar Police Station) … Respondents

Mr Sumit Khanna i/b Ms Dakshata Sawant, for the applicant.
Mr M G Patil, APP, for respondent No.1/ State.

Coram: R.N. Laddha, J.
Date: 13 December 2024.

P.C.:

. Heard Mr Sumit Khanna, the learned counsel representing the applicant and Mr Amit Palkar, the learned Additional Public Prosecutor appearing on behalf of respondent No.1 - State.

2. By this application, the applicant has approached this Court, citing extreme urgency due to apprehension of arrest in

connection with C.R. No.25 of 2024 registered at Mahila Thana Nagar Police Station, Bokaro, Jharkhand, for offences punishable under Sections 85, 126(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned counsel for the applicant submits that the applicant is seeking limited relief of protection solely to enable him to approach the competent Court of jurisdiction for seeking anticipatory bail in connection with the aforesaid crime registered against him.

4. The learned APP acknowledges that, given the FIR's registration at Mahila Thana Nagar Police Station, Bokaro, Jharkhand, respondent No.1 – State, does not have much to say in the matter. The learned APP suggests that if the Court grants relief, it may impose appropriate conditions to prevent misuse of the protection.

5. It is well-settled in law that the limited relief of protection can be granted to the applicant only to facilitate his approach to the competent Court of jurisdiction (as held in N. K. Nair and Ors. Vs. State of Maharashtra and Ors. 1985 Cr.L.J. 1887, Priya Indoria Vs. State of Karnataka and Ors. (2024) 4 SCC 749, 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).

6. 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. Hence, the following order.

ORDER

(i) The applicant is granted protection from coercive action or arrest only 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 Jharkhand 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.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)