

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

Anticipatory Bail Application No. 3394 of 2024

Mustakeen Athakka Thottathil

Age 39 years, Occ. Business,

R/at. 284, Hotel Green View,

Mumbai Nashik Highway,

Near H. P. Petrol Pump,

Mu. Po. Chande, Shahapur,

Thane, Maharashtra - 421 601.

... Applicant

versus

1. The State of Maharashtra

2. The Investigating Officer,

(In FIR No.656 of 2024 registered

with Dhardom Police Station, Kannur,

State of Kerala)

3. The Public Prosecutor

(Sessions Court of Thalassery,

District - Kannur, State of Kerala)

... Respondents

Mr Satyavrat Joshi a/w Mr Girish Agrawal i/b Mr Samay Pawar,
for the applicant.

Mr Amit Palkar, APP, for respondent No.1 / State.

Coram: R.N. Laddha, J.

Date: 13 December 2024.

P.C.:

. Heard Mr Satyavrat Joshi, 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 projecting extreme urgency in the matter for the reason that he apprehended arrest in connection with C.R. No.656 of 2024 registered at Dharmadom Police Station, Kannur City, Kerala, for the offences punishable under Sections 336(3), 345(3), 347(1), 349, 272, 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 7(1) and 20(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Section 63 of the Copy Right Act, 1957.

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

4. The learned APP submits that since the FIR is registered at Dharmadom Police Station, Kannur City, Kerala, really

speaking, the respondent No.1 - State would not have much to say in the matter. The learned APP suggests that if this Court is inclined to grant relief, it may impose appropriate conditions to prevent misuse of the protection.

5. It is 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, Priya Indoria Vs. State of Karnataka and Ors. (2024) 4 SCC 749, Shantanu Shivilal 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 Kerala 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.)