

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.678 OF 2024

Raju Anna Chaughule ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.2069 OF 2024
IN
CRIMINAL APPLICATION NO.678 OF 2024

Mahant Rajaram Das Guru ...Applicant

Shri. Shaligram Vaishnav

IN THE MATTER BETWEEN:

Raju Anna Chaughule ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Ganesh Gupta a/w Mr. Hemant Bhand, Mr. Sahil Ghorpade, Mr. Madan Khansole & Mr. Jagrut Patil i/b G.G. Legal Associates, for the Applicant in APL/678/2024.

Ms. S. M. Yadav, APP, for the Respondent-State.

Mr. A. B. Tajane, for the Applicant/Intervenor in IA/2069/2024 & Criminal Application No.EC-HCBM01-07192-2024.

CORAM: MADHAV J. JAMDAR, J.
DATED: 26 JULY 2024

P.C.:

1. Mr. Tajane, learned Counsel for the Intervenor states that Criminal Application No.EC-HCBM01-07192-2024 for cancellation of

bail has been filed.

2. This Court has passed following Order on 10th May 2024:

“1. At the outset, Mr. Malshe, learned APP seeks time to file reply.

2. Heard Mr. Gupta, learned Counsel for the Applicant and Mr. Malshe, learned APP for the Respondent-State.

3. This Application is preferred under Section 482 of the Code of Criminal Procedure, 1973 (“CrPC”). When this Application was listed before this Court on 9th May 2024, this Court directed the Registry to verify and place the matter before the appropriate Bench.

4. Accordingly, the Registrar (Judicial-I) has submitted a report to that effect, dated 9th May 2024 and has concluded inter alia that this Application will lie before this Bench. Accordingly the matter is listed today.

5. Mr. Gupta presses for interim reliefs. Mr. Malshe, learned APP seeks time to file affidavit-in-reply.

6. However, Mr. Gupta, learned Counsel points out that by the impugned Order, the Order granting bail by the learned Magistrate dated 15th April 2024 has also been set aside and therefore he is pressing for interim reliefs in the form of a stay on the implementation, execution, and operation of the impugned Order dated 24th April 2024 passed by the learned Sessions Court, Nashik in the Criminal Revision Application No.81 of 2024.

7. However, this is a case where a learned Single Judge rejected the Anticipatory Bail Application of the Applicant and the said Order is upheld by the Supreme Court.

8. As the time is sought for filing affidavit-in-reply, ad interim relief in terms of prayer clause (B), till the next date on the following conditions:

(a) The Applicant - Raju Anna Chaughule shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(b) The Applicant shall report to the Panchavati Police Station, District – Nashik, as and when called by the Investigating Officer.

(c) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to

any Police personnel.

(d) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(e) The Applicant shall surrender his passport, to the Investigating Officer.

9. *Stand over to **14th May 2024** before Vacation Court.”*

3. The said Order specifically records that, in this case a learned Single Judge rejected the Anticipatory Bail Application of the Applicant and said Order was upheld by the Supreme Court. The matter is thereafter placed before the Vacation Court and the same was adjourned from time to time. Thereafter, the matter was placed before the Regular Court. By Order dated 3rd July 2024, the Regular Court directed the Registry to verify and place the matter before the appropriate Bench. Thereafter, the matter has been placed before this Bench on 5th July 2024 and adjourned from time to time.

4. Today, Mr. Tajane, learned Counsel for the Intervenor submitted that he has filed a Criminal Application for cancellation of bail bearing No.EC-HCBM01-07192-2024.

5. At this stage, Mr. Ganesh Gupta, learned Counsel for the Applicant states that this Criminal Application for cancellation of bail has been filed by the learned Counsel for the Intervenor as this Court had suggested to him to file such an Application.

6. It is required to be noted that, this is a case where, a learned Single Judge has rejected the Anticipatory Bail Application of the

Applicant and the said Order has been upheld by the Supreme Court. Accordingly, when the matter was argued on an earlier occasion, this Court had merely enquired whether any Application for cancellation of bail has been filed or not.

7. On the earlier occasion also Mr. Ganesh Gupta, learned Counsel had submitted that on the basis of said oral observations of this Court the State has filed some Application before the learned Magistrate.

8. Accordingly, Mr. Ganesh Gupta has stated that the Intervenor has filed an Application for cancellation of bail as per the instructions of this Court.

9. In view of the said submission of Mr. Ganesh Gupta, learned Counsel appearing for the Applicant, in the interest of justice, the Application be heard by some other Bench.

10. Accordingly, not to be placed before this Bench.

[MADHAV J. JAMDAR, J.]