

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 975 OF 2025

Sanjay Ashok Shrivastav

..Applicant

Versus

State of Maharashtra & Anr

...Respondents

Mr. Tushar Sonawane, for the Applicant

Smt. R.S. Tendulkar, APP, for the Respondent-State.

Mr. Sachin Desai, PSI, Shantinagar Police Station, Thane City.

CORAM: N. J. JAMADAR, J.

DATED : 20th SEPTEMBER 2025

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Application is to an order dated 20th August 2025, whereby the learned Sessions Judge, Bhiwandi, granted ad-interim pre-arrest bail, to the Respondent No.2-Applicant in ABA No. 830 of 2025.
3. Mr. Sonawane, the learned Counsel for the Applicant, submitted that the Applicant is principally aggrieved by Clause (4) of the impugned order, whereby the Respondent-Accused has been directed to appear before the Investigating Officer and cooperate in the investigation.
4. Attention of the Court was invited to an order of the Supreme Court in the case of **Deepak Aggarwal Vs Balwan Singh & Anr**,¹ wherein

1 Criminal Appeal No. 5456 of 2024, decided on 18th December 2024.

in the context of an ad-interim order passed by the High Court, while issuing notice to the State in an Application for pre-arrest bail, the Supreme Court disapproved the nature of the ad-interim relief granted by the order impugned before the Supreme Court. The same was held to be practically in the nature of grating final relief.

5. I have perused the impugned order. The learned Additional Sessions Judge has recorded adequate reasons for granting the interim pre-arrest bail. It does not appear that the interim order was passed without satisfying the necessity of such ad-interim relief. In any event, since the Application for pre-arrest bail, i.e., ABA No. 830 of 2025 is pending before the learned Session Judge, at this juncture, there is no propriety in entertaining this Application.

6. It would be suffice to clarify that the observations in the ad-interim order and the fact that the Respondent No.2 was directed to appear before the Investigating Officer and cooperate in the investigation, shall not influence the learned Sessions Judge in finally deciding the Application for pre-arrest bail.

7. Subject to the aforesaid clarification, Application stands disposed.

[N. J. JAMADAR, J.]