

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 266 OF 2025

Omprakash Shankar Chauhan

..... Applicant

VERSUS

The State of Maharashtra

..... Respondent

Mr. Sachin Gosai a/w. Ms.Ekta Giri i/b. Mr.Shravan Giri for the Intervener.

Mr. Ghanshyam Upadhyay i/b. Law Juris for the Applicant.

Mr. Anand S. Shalgaokar, A.P.P. for the State.

Mr. Bhaskar Pukle, ACP, EOW Present.

CORAM : RAJESH S. PATIL, J.

DATE : 30th JANUARY, 2025

P.C. :-

1. It is the case of the applicant that he has already applied for anticipatory bail before the Sessions Court, and according to him interim relief was granted to him and Roznama to that effect has been enclosed with the present application.

2. The learned A.P.P. submits that when the anticipatory bail

application is pending before the Sessions Court and the same having been heard, it is kept for the purpose of passing order on 1st February, 2025, the present anticipatory bail application would not be maintainable.

3. Mr. Upadhyay, learned counsel appearing for the applicant submits that there are certain conditions imposed on the applicant that he has to report to the concerned police station every alternate day. He submits that the applicant is a choreographer and in fact he was supposed to leave country with his students on 27th January, 2025 and was to return on 2nd February, 2025. He, therefore, desire that the said conditions imposed by the Sessions Court should be relaxed.

4. Mr. Upadhyay submits that on 24th January, 2025 the main anticipatory bail application was not argued by him. However, Mr. Sachin Gosai, learned counsel appearing for the respondent no.2 submits that the matter was in fact argued on 24th January, 2025 when he was present in the Court and even the prosecution had argued the main matter on the said day.

5. The fact remains that the anticipatory bail application filed by the applicant is kept for passing order on 1st February, 2025. From Roznama it can be seen that the last order of extension of interim relief was passed on 18th December, 2024 (page 125 of the present application). However, on the next date i.e. on 4th January, 2025, the Court has recorded that the applicant had applied for an adjournment. The same was granted as a last chance. An application for continuation of the interim order was filed. However, Mr.Upadhyay submits that even though Roznama does not record but the said application for continuation of the interim order was allowed. Same is the case on 15th January, 2025. Mr.Upadhyay also submitted that only on 24th January, 2025, the Sessions Court has not extended the interim protection and kept the matter on 1st February, 2025. Therefore, he submits that the interim protection granted by the Sessions Court should be extended.

6. According to me when the application is pending for passing of order on 1st February, 2025, the interim protection which was granted by the Sessions Court can't be extended by this Court.

7. As regards the applicant desiring to leave the country on 27th January, 2025 and return on 2nd February, 2025 is concerned, today i.e. on 30th January, 2025 the said intention of applicant to travel has become infructuous.

8. Hence, according to me, the present **anticipatory bail application** has no merit and the same is accordingly dismissed.

[RAJESH S. PATIL, J.]