



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.529 OF 2025

SANTOSH CHANDRAKANT KATARE ...APPLICANT
VS
THE STATE OF MAHARASHTRA ...RESPONDENT

...
Adv. Aniket Vagal a/w Kunla N. Pednekar for the Applicant.
Adv. Ajay S. Patil APP for the State.
...

CORAM : RAJESH S. PATIL, J.

DATED : FEBRUARY 26, 2025

P.C.:

1. This anticipatory bail application is filed as a transit bail application by the present applicant.
2. It is the case of the present applicant that this Court by its order dated 22 January 2025 had granted protection of three weeks to the present applicant by way of a transit bail. The said order dated 22 January 2025 for ease of reference is reproduced herein below.:

“1. This is an application for transit bail/anticipatory bail.

2. The applicant is apprehending his arrest in Crime No.78 of 2024, registered at CCB(OCW West) Bengaluru City Police Station, for the offences punishable under Sections 506, 504, 120B, 419, 420, 468, 471 read with Section 34 of the Indian Penal Code.

3. The learned counsel for the applicant pointed out the notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 Act, asking him to attend the concerned Police Station on 09.01.2025 at 10:30 a.m.. It is submitted that the applicant has nothing to do with the alleged crime. It is submitted that a limited protection be therefore granted to the applicant to appear before the concerned Investigating Officer in response to the notice and to approach the jurisdictional Court for anticipatory bail.

4. On the other hand, the learned A.P.P. for the Respondent-State submits that in the FIR there are allegations of forgery and cheating. It is submitted that considering the nature of offence, the protection as sought by the applicant may not be granted.

5. I have perused the translated version of the FIR. There are no allegations against the applicant. In that view of the matter, I am inclined to protect the applicant for three weeks. Hence, the following order:

ORDER

(i) The Application is allowed;

(ii) In the event of arrest of the applicant in connection with Crime No.78 of 2024, registered at CCB(OCW West) Bengaluru City Police Station, for the offences punishable under Sections 506, 504, 120B, 419, 420, 468, 471 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) This order shall remain in force for the period of three weeks from today.”

3. The learned APP submits that this is not a second anticipatory bail application for transit bail but in fact it is third application preferred by way of transit bail by the present applicant

before this Court and the offences are registered with Bengaluru City Police Station.

4. In the first anticipatory bail application no. 107 of 2025 filed by the present applicant for transit anticipatory bail, the copy of the FIR was not annexed. Therefore, this Court did not entertain the said transit bail application and the same was rejected. Thereafter, by order dated 22 January 2025 passed in transit anticipatory bail application no.194 of 2025, this court granted protection to the applicant for three weeks.

5. Mr. Vagal, learned counsel for the applicant submits that after protection was granted by this Court, the applicant had attended the concern police station at Bengaluru on 3 February 2025. However, nothing material would be arrived at as there was a language barrier between the applicant and the concern police officer. He submits that even as of today, the name of the present applicant does not find place in the FIR. Therefore, he submits that the applicant is ready to co-operate with the police. However, this Court should protect the applicant.

6. I have gone through the earlier order passed by this Court. By order dated 22 January 2025, transit anticipatory bail of the present applicant was granted and the applicant was protected for three weeks.

Though the applicant had submitted that on 4 February 2025, notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS Act, 2023) was issued against him, within a period of three weeks, the applicant could have approached the concern police station and could also have applied for anticipatory bail in the Sessions Court within which the jurisdiction of the concern police station falls. The applicant did not feel necessary to file any such anticipatory bail application and after the period of three weeks are over, he approached this Court again seeking a transit bail. The applicant even had liberty to approach the Bengaluru Sessions Court after receipt of notice under Section 35(3) of the BNSS Act, 2023 dated 4 February 2024 but the applicant did not approach the Bengaluru Sessions Court. Therefore, according to me, there is no merit to grant protection to the applicant. Hence, the transit anticipatory bail application is rejected.

(RAJESH S. PATIL, J.)