

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2590 OF 2025

Arvind Kumar Sachdeva & Ors.	...Applicants
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Rizwan (through Video Conferencing) a/w. Mr. Turab Kazmi, Mr. S. Ali Kazmi, Mr. Asadali Z. Mazgaonwala, Ms. Sachi Chopra, Mr. Samarth Sharma, Mr. Pranit Likhite, Ms. Tanvi Shah and Mr. Tushar Khatri i/b. S. Ali Kazmi, for the Applicant.
Mr. C. D. Mali, APP, for the Respondent No.1-State.
Mr. Ravindra Adsure (through Video Conferencing) a/w. Mr. Chandan Singh Shekhawat and Mr. Niranjana Pachupate i/b. Mr. Chandan Singh Shekhawat, for the Respondent No.2.
Mr. P. G. Gajjewar, API, attached to Wakad Police Station, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 25th SEPTEMBER 2025

PC:-

1. Heard Mr. Rizwan, learned Counsel appearing for the Applicants, Mr. Mali, learned APP appearing for the Respondent No.1-State and Mr. Adsure, learned Counsel appearing for the Respondent No.2.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) seeking pre-arrest bail

in connection with C.R. No.517 of 2025 registered with Wakad Police Station, Pimpri-Chinchwad, Pune, for the offences punishable under Sections 318(4), 316(2), 335, 336(2), 338, 336(3), 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”) read with Sections 71(A), 78, 144 and 96 of the Maharashtra Co-operative Societies Act, 1960.

3. The present application has been filed by the 13 Applicants. Out of these 13 Applicants, Applicant Nos.1 to 12 have approached the learned Additional Sessions Judge, Pune, by filing Bail Application No.6331 of 2025 and by order dated 17th September 2025, the learned Additional Sessions Judge, Pune, refused to grant any ad-interim relief and thereafter, on 18th September 2025, the said Bail Application No.6331 of 2025 has been withdrawn. As far as Applicant No.13 is concerned, for the first time application seeking pre-arrest bail is filed in this Court.

4. Mr. Adsure, learned Counsel appearing for the Respondent No.2 relied on the decision of the Supreme Court in the case of *Mohammad Rasal C. & Anr. vs. State of Kerala & Anr.*¹ wherein, the

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Supreme Court has stated that though the concurrent jurisdiction is conferred upon the Sessions Court and the High Court to entertain a prayer for pre-arrest bail under Section 482 of the BNSS (formerly, Section 438 of CrPC), the hierarchy of Courts demands that no person seeking such remedy should be encouraged or allowed to directly approach the High Court for exercising jurisdiction under Section 482 of the BNSS (formerly, Section 438 of CrPC) by bypassing the jurisdiction of the concerned Sessions Court.

5. In this case, admittedly, out of 13 Applicants, 12 Applicants have approached the learned Sessions Court and as the interim protection was not granted by order dated 17th September 2025, they withdrew the Bail Application No.6331 of 2025 on 18th September 2025. Admittedly, Applicant No.13 has not approached the Sessions Court and directly filed the Anticipatory Bail Application in this Court and as noted herein above as far as the other Applicants are concerned, they withdrew their application.

6. It is the submission of Mr. Adsure, learned Counsel appearing for the Respondent No.2 that the Additional Sessions

Judge has not been allowed to finally pass the order and the same is contrary to the law laid down by the Supreme Court in *Mohammad Rasal C.* (supra).

7. Mr. Adsure, learned Counsel submits that accordingly, the Anticipatory Bail Application be not entertained and the Applicants be directed to approach the Sessions Court.

8. Mr. Rizwan, learned Counsel appearing for the Applicants submits that in view of the law laid down by the Supreme Court, the Applicants will file fresh application seeking pre-arrest bail before the learned Sessions Court, however, the protection granted by this Court by order dated 20th September 2025 be extended for a period of four weeks. He further submits that the Applicants be granted leave to withdraw the present Anticipatory Bail Application No.2590 of 2025 with liberty to file a fresh Anticipatory Bail Application before the learned Sessions Court. Mr. Adsure, learned Counsel submits that as this Court has granted interim protection by order dated 20th September 2025 to the Applicants, the same be extended only by two weeks.

9. In the facts and circumstances and in view of the above submissions, the following order is passed:

ORDER

(a) The Applicants are granted leave to withdraw the Anticipatory Bail Application No.2590 of 2025 with liberty to file a fresh Anticipatory Bail Application before the learned Sessions Court.

(b) For a period of 3 weeks i.e. till 16th October 2025, the ad-interim protection granted by this Court by order dated 20th September 2025 shall remain in operation.

10. Accordingly, the Anticipatory Bail Application is disposed of as withdrawn.

11. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

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[MADHAV J. JAMDAR, J.]