

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION STAMP NO. 6218 OF 2025
in
CRIMINAL APPLICATION NO. 1531 OF 2019**

Vineet S/o. Janardhan Upadhyay ... Applicant
versus
The State of Maharashtra Respondent

Mr. Priyatosh R. Tiwari i/b. Mr. Ashok M. Saraogi, Advocate for the Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th MARCH, 2025.

P.C. :

1. Not on board. Due to extreme urgency, the matter is heard and order is passed today.
2. Heard learned counsel for the applicant. Learned counsel for the applicant submits that this Court has granted interim relief to the applicant in Crime No.324 of 2019 and it is continued till further orders. In spite of that JMFC, Thane, has taken the applicant in MCR, it is illegal. Hence, requested that directions be given to release the applicant.
3. Learned APP submits that appropriate order be passed.
4. I have heard both learned counsel. This Court has granted interim relief in criminal application filed by the applicant till further orders. Learned JMFC has passed the order dated 18th March 2025 observing

that the applicant has not proceeded with the matter pending before this Court for last 5 years and has not appeared before the Trial Court as well as learned JMFC has taken the applicant in MCR for committal of the case. The order passed by learned JMFC is apparently perverse and illegal. When learned JMFC was aware that interim relief was granted to the applicant, learned JMFC should not have taken the applicant in MCR. The order passed by the JMFC, Thane, is blatantly illegal and I pass following order :

ORDER

- (I) The order dated 18th March 2025 passed by JMFC, Thane taking the applicant in MCR is set-aside and quashed.
- (II) The applicant be released on bail forthwith without any PR bond or surety.
- (III) Call report from the concerned JMFC, Thane, about the order of taking the applicant in MCR when he was protected by this Court.

The application is allowed in above terms and stands disposed of.

- 5. Registrar (Judicial-I) to communicate this order to the concerned JMFC and call report by 1st April 2025.
- 6. List the Criminal Application No.1531 of 2019 on 24th March 2025.
- 7. All concerned to act on authenticated copy of this order.

(SHIVKUMAR DIGE, J.)