

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY APPLICATION NO. 1101 OF 2026

Prashant Prakash Chavan ... Applicant
Versus
The State Of Maharashtra And Anr. ... Respondents

Mr. Tapan Thatte, for the Applicant.
Mr. Ameet Palkar, APP for the Respondent – State.
IO Amol Mandave, Hadapsar Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.
DATE : 28th April, 2026.

P.C. :

1. Heard Mr. Tapan Thatte learned Advocate for the Applicant and Mr. Ameet Palkar, learned APP for the Respondent – State.
2. At the outset, Mr. Ameet Palkar learned APP submits that the Anticipatory Bail Application (i.e. Criminal Bail Application No. 1868 of 2026), filed by the Applicant before the Additional Sessions Judge, Pune is scheduled for arguments on 02.05.2026. He submits that the prosecution will file its say/reply in the Criminal Bail Application No. 1868 of 2026 on or before 02.05.2026. He submits that the main Application being fixed for

arguments before the Additional Sessions Judge, Pune on 02.05.2026 this Application may not be entertained and the Applicant be relegated to the Additional Sessions Judge, Pune for argument on the main Application.

3. Mr. Tapan Thatte learned Advocate for the Applicant states that the minor child of the Applicant suffers from a disease known as “*Ficosidosis*.” He therefore states that the matter is urgent.

4. By order dated 17.04.2026, the Additional Sessions Judge, Pune, declined interim relief to the Applicant in Criminal Bail Application No. 1868 of 2026 and adjourned the matter to 02.05.2026.

5. This Court in the case of Shrenik Jayantilal vs. State of Maharashtra¹ has in paragraph No. 18 and 19 made the following observation.

18. The said proviso, if carefully read, lays down two situations - (i) if the Court has not passed any interim order under this subsection, then the police can arrest; (ii) if anticipatory bail is rejected, then the police can arrest. These two clauses are joined with conjecture “or”. The Legislature has not used the word “and”. Had

¹ 2014 SCC OnLine Bom 549

the word “and” been used, then that would have been only one situation. That means not granting interim order should have been necessarily followed by rejection of anticipatory bail. Therefore, the word “or” is very significant, deliberate, meaningful, and it indicates undoubtedly the two situations. If anticipatory bail is rejected, then, the police has no bar in arresting the applicant. However, when the Court has not passed any interim order, then also police under that circumstance, can arrest the accused. Thus, not granting interim bail is an independent circumstance. Thus, denial of an interim relief without any order of rejection of the application is unconnected circumstance other than the rejection of bail. Thus, refusal to grant interim order does not necessarily entail a rejection. Hence there may not be a rejection and interim bail is not granted; in that situation also, the police can arrest the applicant/accused.

19. It was submitted that how long such adjournments can be granted and how long the applicant/accused be kept waiting for justice. Uncertainty is a greatest vice in the process of justice. An application of pre-arrest bail cannot be kept pending for a long time. At the earliest a decision in the matter is required; either he is protected or his application is rejected informed to him. Thus, having the third option open i.e., to simply adjourn a matter without passing any order in an Anticipatory Bail Application though is very much available to a judge such application is not to be adjourned for long time if no interim relief is granted. It is expected that it is to be expeditiously decided and, therefore, as a matter of prudence, the matter can be adjourned for final disposal without giving interim protection at the most for 2 to 3 days.

6. Considering the urgency expressed by the Applicant in view of his son's ailment, the learned Additional Sessions Judge -10, Pune, is requested to consider the Criminal Bail Application No. 1868 of 2026 on the scheduled date (02.05.2026) on its own merits uninfluenced by its order dated 17.04.2026 and to dispose

off the same at the earliest convenient to the Additional Sessions Judge -10, Pune.

7. Mr. Ameet Palkar, learned APP for the State, submits that the prosecution will be ready to argue Criminal Bail Application No. 1868 of 2026 and will not seek an adjournment on 02.05.2026.

8. Mr. Tapan Thatte learned Advocate for the Applicant, states that the Applicant shall argue the matter on 02.05.2026 and shall not seek an adjournment.

9. All contentions of the parties are left open.

10. In view of the above, this Anticipatory Bail Application is disposed off.

(ASHWIN D. BHOBE, J.)

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