

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No.1246 of 2013

Mr.Mohit Aggarwal)...APPLICANT

V/s.

The State of Maharashtra)...RESPONDENT

Dr.Nilesh Pavaskar i/b Mr.P.R. Yadav, Advocate for the Applicant in ABA 1246 of 2013.

Mr.V.B. Konde Deshmukh, APP for the State.

WITH

ANTICIPATORY BAIL APPLICATION No.1247 of 2013

Mrs.Shila Aggarwal)...APPLICANT

V/s.

The State of Maharashtra)...RESPONDENT

Mr.Sanjay Thakur i/b Mr.P.R. Yadav, Advocate for the Applicant in ABA 1247 of 2013.

Mr.V.B. Konde Deshmukh, APP for the State

**CORAM: A. P. BHANGALE, J.
(Vacation Court)**

DATE : 31st OCTOBER, 2013.

P.C. :

1 While learned Advocate for the applicants is advancing submissions regarding plea for interim Anticipatory Bail, learned APP brought to my notice that applicants have not approached Sessions Court, Mumbai and came directly to High Court.

2 Learned Advocate for the applicants submitted that he is willing to go before the Sessions Court if applicants are protected for the time being to advance plea of Anticipatory Bail on merits before the Sessions Court concerned.

3 That being so, following order is passed.

ORDER

In the event the applicants are arrested in connection with CR No.89 of 2013 of EOW, Unit-V arising from First Information Report No.216 of 2013 reported at MRA Marg Police station for the offences punishable under Section 120(B), 409, 465, 467, 468, 471, 474, 477(A) of the IPC, till they approach Sessions Court and avail of relief of Anticipatory bail on merits, they shall be released on interim Bail till affidavit in reply is filed on behalf of the respondent State provided that each applicant –accused furnishes personal Bond in the sum of Rs.50,000/- each with 1 or more sureties in the equal amount, provided further that the applicants shall attend the I.O. as and when required and shall not misuse liberty in any manner. They shall inform address during the investigation and change in the address if any during pendency of the case to the I.O. concerned. Grant of interim Bail shall be subject to modification or alteration or cancellation thereof depending upon the outcome of final hearing of the application on merits.

Before moving the Sessions Court, applicants to serve notice upon the learned APP concerned of the Sessions Court and also inform Investigating officer regarding their application before the Sessions Court.

It is made clear that I have not entered into merits of the plea for Anticipatory Bail and the learned Sessions Judge is free to apply his mind independently so as to decide the application on merits uninfluenced by this order.

The applicants, at the latest shall appear before the Sessions court within a period of four weeks. Till then, they shall make themselves available for interrogation by the I.O as and when called upon. If applicants fail to apply before Sessions Court within time limit aforesaid, the order shall stand vacated automatically.

According to learned APP, since this is production matter, message was not given to Investigating Officer.

(A. P. BHANGALE, J.)