

ITEM NO.1

COURT NO.3

SECTION II-A



S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).3573/2021

(Arising out of impugned final judgment and order dated 20-01-2021 in ABA No. 889/2020 passed by the High Court of Judicature at Bombay at Aurangabad)

PANDIT

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA Respondent(s)
(ONLY CRLMP NO. 88805/2022 GRANT OF BAIL IS LISTED AGAINST THIS
MATTER]

Date : 04-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE KRISHNA MURARI
(Vacation Bench)

For Petitioner(s) Mr. Kunal Cheema, AOR
Mr. D. A. Mane, Adv.
Ms. Aditi Deshpande Parkhi, Adv.

For Respondent(s) Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shewtal Sheptal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In this case, on 07.05.2021, this Court passed the following order: -

"Issue notice, returnable in six weeks.

Petitioner is at liberty to serve the standing counsel for the State of Maharashtra.

In the meantime, the petitioner shall not be arrested in connection with F.I.R. bearing C.R No. 361 of 2020 registered with the M.I.D.C, Police Station, Latur, Maharashtra."



Now, an application has been moved pointing out the arrest of the petitioner nevertheless and seeking orders for his release.

Having examined the contents of the application, being CR.M.P. No. 88805 of 2022 and the documents annexed thereto, it is rather intriguing to notice that despite specific interim order of this Court that the petitioner shall not be arrested in connection with the FIR bearing Crime No. 361 of 2020 registered with M.I.D.C. Police Station, Latur, Maharashtra, the prosecution obtained non-bailable warrants against the petitioner and when he appeared before the Court, the learned Judicial Magistrate First Class, Court No. 2, Latur, by his order dated 24.06.2022, observed that interim protection from arrest came to an end after six weeks from the order of this Court. This period of six weeks seems to have been borrowed with reference to the returnable date of the notice issued by the order dated 07.05.2021.

If, what has been observed by the learned Magistrate in the order dated 24.06.2022, is the only reason for detention of the petitioner in judicial custody the bona fide of the prosecuting agency and the understanding of the learned Magistrate about the operation of the order of this Court become the matters of serious concern.

However, at present, we are not making any other comment in the matter and grant learned counsel for the State some time to file response to this application.

At the same time, it is directed that the petitioner, if not required in any other case, be released today itself and the compliance be reported without fail today itself.



This order, passed at 11:10 a.m., be communicated by mail to the learned Magistrate and a copy thereof be supplied to the learned counsel for the State for appropriate instructions immediately.

List this matter on 07.07.2022.

(NEETA SAPRA)
COURT MASTER (SH)

(RANJANA SHAILEY)
BRANCH OFFICER