
(2021) 11 BOM CK 0002

In the Bombay High Court

Case No : Anticipatory Bail Application No. 1959 Of 2021, Interim Application
No. 2433 Of 2021

Sanjay Punamiya And Others

APPELLANT

Vs

State Of Maharashtra

RESPONDENT

Date of Decision : 01-11-2021

Acts Referred:

Citation : (2021) 11 BOM CK 0002

Hon'ble Judges : Surendra P. Tavade, J

Bench : Single Bench

Advocate : Nitin Pradhan, Dilip Shukla, Uday Warunjikar, Govind Prajapati,
Balwant Salunkhe, Shekhar Jagtap, S. R. Shinde

Judgement

Surendra P. Tavade, J

1. The Applicant moved this prapice for extension of interim order passed on 20th August, 2021, which was extended till 18th October, 2021. It appears that the Applicant had submitted the application for pre-arrest bail, wherein, on 20th August, 2021, interim protection was granted to the Applicant and the State was directed not to take coercive action against the Applicant. The said order was continued on 27th August 2021, 17th September 2021, 24th September 2021 and 08th October 2021 respectively. By the order dated 08th October 2021, the matter was listed on 18th October 2021, but 18th October 2021 was declared as a holiday, therefore, the matter was mentioned on 22nd October, 2021 and thereafter it was listed on 27th October 2021. On 27th October 2021, Justice N. W. Sambre passed the order under caption "Not before this Court". Hence, the matter was mentioned before alternate bench, but it was not taken up for hearing. Thereafter, on 29th October, 2021 the alternate bench has orally allowed the Applicant to move the prapice before the Vacation Court. Hence, prapice is submitted for extension of order dated 20th August, 2021.

2. Heard learned Counsel for the Applicant, the learned APP for the State and learned Counsel Mr. Warunjikar for the Original Informant. Learned Counsel for

the Applicant submits that the earlier interim order is required to be extended till the next date, so that the hearing of the main application can be proceeded. This Court was incline to hear the main application, but learned Counsel for the Applicant submitted that the documents are voluminous in number, therefore, he is not in position to proceed with the matter. It appears that the Applicant was seeking extension of interim order since it was passed on 20th August, 2021. It also appears from the record that most of the time the Applicant has changed his lawyer, therefore the hearing of the main application could not take place. Even today, learned Counsel for the Applicant shown his inability to preceed with the matter on the ground that the papers are bulky and due to paucity of time. But this Court has made it clear that the preference would be given to the hearing of this application, but in spite of that, the Counsel for the Applicant was not ready for fnal hearing of the application.

3. The matter was listed for hearing on 20th August 2021 and interim protection was granted to the Applicant. Thereafter the matter was adjourned on 27th August 2021, 17th September 2021, 24th September 2021 and 08th October, 2021, but since 18th October, 2021 onwards the interim order was not extended by the Court. It can not be said that due to oversight, interim order was not extended by this Court on 25th October 2021 or thereafter. It also appears that the Counsel for the Applicant must have prayed for extension of interim order, but this Court has kept the matter for hearing and not extended the interim order. Thus, it is clear from the record that the interim order was continued till 18th October 2021.

4. Learned Counsel for the Applicant should have prayed for extension of the interim order on 20th October 2021 or 25th October 2021, 28th October, 2021 or 29th October, 2021, when the matter was taken on board. It appears that the Court has not extended the interim order, and kept the matter for hearing on 27th October, 2021 but one reason of the other, the Justice N. W. Sambre passed the order under captioned "Not before this Court". Even thereafter it was expected from the Applicant to move the alternate bench for extension of interim order on 28th October 2021 and 29th October, 2021, but the said order was not extended. The matter is placed before this Court today. It appears that the interim order is not in force since 18th October, 2021.

5. Learned Counsel for the Applicant submits that the Applicant has admitted in hospital and police are trying hard to arrest him. On the other hand, learned Counsel appearing for the State submits that the Applicant is not in serious condition. He submitted medical papers dated 29th October, 2021 wherein, it is specifcally concluded that the patient is correctly ft for discharge. It is also mentioned in the said letter that the patient needs in patient mental health facility with close supervision and monitoring, but in spite of that the Applicant got himself admitted in other hospital. The above events are occurred after 29th October, 2021, prior to that it was expected from the Applicant or his Counsel to seek extension of interim order, but no efforts are made on behalf of the

Applicant. Therefore in my considered view that the order, which was already came to end cannot be extended without any cause. In the event, I am not inclined to extend the order, which was in force till the 18th October, 2021.

6. The Application be listed for hearing on 16th November, 2021.