

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.123 OF 2015

Rehmani Zilani Shaikh	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Suresh Dubey, Advocate for the Applicant.
Mrs. A.A. Mane, APP for the State.

CORAM : P.D. KODE, J.

DATE : JANUARY 28, 2015

P.C.

. It is the grievance of the applicant that the Court of Session after rejecting the application for interim protection has kept his application for pre arrest bail pending and posted on 31-01-2015.

2. Apparently the same is in conflict with the legal provision and particularly the provision of Section 438 of Code of Criminal Procedure as amended and made applicable to Maharashtra.

3. Since this Court and the Court of Session are having concurrent jurisdiction and the application under Section 438 of Code of Criminal Procedure is admittedly pending in the Court of Session, this application can not be entertained. Hence, the application is disposed of with direction to the applicant to approach this Court under Section 482 of Code of Criminal Procedure for a limited request of protecting him during the pendency of his application for pre arrest bail and directing the Sessions Court to dispose of the said application at the earliest in accordance with law.

Application stands disposed of.

(P.D. KODE, J.)