

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 105 OF 2015

Tulsidas @ Anna JomaPatil & Anr. .. Applicants

Versus

State of Maharashtra .. Respondent

Mr. Aniket U. Nikam, Advocate for the applicants

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

CORAM:-M.L. TAHALIYANI,J.

DATED : -02/02/2015

P.C.

Not on board. Taken on board on being mentioned for production on the ground of urgency.

2 Admitted. Respondent waives service. By consent of parties, taken up for final hearing.

3 Heard Mr. Aniket Nikam, the learned advocate for the applicant and learned APP for the respondent-State.

4 The grievance of the applicants are that they have been remanded to police custody for 14 days without any substance

for granting such a custody. In my opinion, the applicant should apply for grant of bail before the sessions Court, instead of moving this Court under section 482 of Criminal Procedure Code. At this stage it is submitted by Mr. Nikam that since the applicants are in police custody, the learned sessions Court may not entertain the bail application. In my opinion, the apprehension is not well founded *inasmuch as* there is no law which prevents the Magistrate or Judge from entertaining bail application under section 437 or 439 as the case may be, if the applicant is in police custody. Therefore, there should not be any apprehension in the mind of learned advocate.

5 In view of the observations made by this Court, no further relief is pressed by the learned advocate for the applicants.

6 The application accordingly stands disposed of.

(JUDGE)

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