

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.528 OF 2015
(For Anticipatory Bail)**

Moosa Ahmed Maniyar .Applicant

V/s.

The State of Maharashtra .Respondent

Mr.Ritesh Ratnam, Advocate, for the Applicant
Ms A.T.Jhaveri, APP, for the Respondent -
State

CORAM : REVATI MOHITE DERE, J.

DATE : 15TH APRIL, 2015

P.C.

. Heard the learned counsel for the applicant and the learned APP for the respondent – State.

2. At the outset, the learned APP states that a perusal of para 4 of the order dated 07.04.2015 passed by the learned Additional Sessions Judge, Greater Mumbai shows that the Anticipatory Bail Application preferred by the

applicant was rejected, as no C.R. was registered, as against the applicant. Admittedly, the application seeking anticipatory bail was not rejected on merits. Para 4 of the impugned order dated 07.04.2015 reads as under :-

"4. As a matter of fact, there is no copy of FIR submitted by the applicant on record. There is nothing on record to show that the crime is registered and that it is registered for a non-bailable offence. There is no record to show that a particular offence is committed by the applicant i.e. to say nature of offence is not appearing on record. In such circumstances, it will be unsafe to grant the application for anticipatory bail. Hence, I proceed to pass the following order.

ORDER

Anticipatory Bail Application
No.797/2015 stands rejected."

3. The learned APP submits that on 06.04.2015, C.R. was registered as against the applicant with the Bhoiwada Police Station,

Mumbai for the alleged offences punishable under Sections 420, 465, 467, 468, 471, 511 read with 34 of the Indian Penal Code. It appears, that without calling for the report from the investigating officer, the said application was rejected by the learned Additional Sessions Judge, Greater Mumbai.

4. The learned APP states that the applicant can again file a fresh application in the Sessions Court, for Anticipatory Bail, as the earlier application was not rejected on merits.

5. Accordingly, the learned counsel for the applicant seeks leave to withdraw the application, with liberty to file a fresh application, before the learned Additional Sessions Judge, Greater Mumbai, as now a C.R. has been registered as against the applicant. If a fresh application, seeking Anticipatory Bail is filed by the applicant, the learned

Sessions Judge to consider the same, on its own merits, uninfluenced by withdrawal of this application or by the earlier order dated 07.04.2015 passed in ABA No.797 of 2015.

6. The Anticipatory Bail Application is accordingly disposed of as withdrawn, with liberty as prayed.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)