

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 627 OF 2015**

Ashraf Mohammed Momin & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. C. K. Pendse i/b Ms. Sayed Zia Amir Mohiddin for the Applicants

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

PI Mr. Nishikant Sawant from Goregaon Police Station is present

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 7th MAY, 2015

P.C. :

1. Learned Counsel for the applicants seek leave to withdraw the application. He submits that the applicants will surrender before the Court of Sessions.

2. Accordingly, the application is disposed of as withdrawn. The applicants are granted one week's time to surrender before the appropriate Court. The applicants to inform the concerned Officer of the date, place and time of surrender.

3. Till then, the applicants shall not be arrested for a period of one week.
4. As far as the issue with regard to the applicability of Section 364A to the facts of the present case is concerned, the same is left open, to be considered by the learned Sessions Judge.
5. The learned Sessions Judge to consider the application for regular bail on its own merits, uninfluenced by the withdrawal of this application or by the earlier order rejecting the anticipatory bail application of the applicant.
6. Accordingly, the application is disposed of as withdrawn.
7. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.