

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

CRI. WRIT PETITION NO. 2073 OF 2015

Hiten Shantilal Doshi

... Petitioner.
(Org.Accused No.2)

V/s.

The State of Maharashtra

... Respondent.

Mr. Rishi Bhuta i/by A.S. Khan & Associates for the Petitioner.
Smt. A.A. Mane, APP for the State.

CORAM : M.L.TAHALIYANI,J.
DATE : 06th JULY, 2015

P.C. :

1 Heard learned Advocate Mr. Rishi Bhuta for the petitioner and the learned additional public prosecutor for the State.

2 The grievance of the petitioner is that his application for cancellation of warrant is kept pending and the learned Magistrate has decided to issue proclamation. In fact the learned Magistrate should have considered the prayer for cancellation of the warrant before issuing proclamation. The learned Magistrate could have issued proclamation after rejecting the application for cancellation of warrant. In any event, in my opinion, some immediate relief is required to be given to the petitioner. I, therefore, pass following order :

- i. Non-bailable warrant issued against the petitioner (original accused no.2) shall stand cancelled.
- ii. The petitioner shall appear before the learned Magistrate and shall execute a P.R. Bond of Rs. 15,000/- or shall deposit cash of Rs. 15,000/- to ensure that he shall remain present in the court of the learned Magistrate. In view thereof, the proclamation also be recalled.
- iii. As far as forfeiture of the earlier bail bond is concerned, the learned Magistrate is directed to deal with it separately in accordance with the law.

3 The Writ Petition stands disposed of in the above terms.

(JUDGE)

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