

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1001 OF 2015

Mr. Sayyed Masood. ... Applicant.
Versus
Enforcement Directorate & anr. ... Respondents.

Mr. R. Mehrotra i/b. Ms. A.T. Jhaveri, advocate for Applicant.

Mr. A.T. Jhaveri, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 9, 2015

P.C.:

1 The learned Counsel for the applicant upon instructions seeks liberty to withdraw the application on the ground that the application filed by the applicant is pending before the Sessions Court. Liberty as prayed for is granted in the interest of justice. The application stands dismissed as withdrawn.

2 However, it is clear from the submission that the applicant had availed of two remedies at the same time. Section 439 of the Code Criminal Procedure contemplates either before the Court of Sessions

or before High Court. The learned Sessions Judge while considering the application filed by the applicant shall consider this aspect that without withdrawing the application filed before the High Court, the applicant had approached the Sessions Court or vice versa.

3 The learned Counsel for the applicant submits that the application was filed before the Sessions Court. However, according to him, the matter was reserved on 2nd March, 2015. No orders were passed. The applicant apprehended that the application would not be decided in the near future and therefore, has approached this Court. All these aspects need to be considered at the time of deciding the application.

4 The application is disposed of on the above observations.

(SMT. SADHANA S. JADHAV,J)