

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1067 OF 2015

Uday Suresh Surve. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. A.P. Mundargi, Sr. Counsel a/w. Mr. Kiran Kulkarni i/b. Kulkarni
& Associates, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 4, 2015

P.C.:

1 Learned Senior Counsel fairly submits that the applicant has approached this Court without presenting an application before the Sessions Court under Section 438 of the Code of Criminal Procedure, 1973. The learned Senior Counsel admits that the applicant has to approach the Court of first instance although Section 438 of the Code of Criminal Procedure, 1973 contemplates concurrent jurisdiction. In view of this, the learned Counsel prays for withdrawal of the application with further liberty to approach the Sessions Court under

Section 438 of the Code of Criminal Procedure, 1973. Liberty as prayed for is granted. The application stands dismissed as withdrawn.

2 The learned Senior Counsel submits that the application would be filed before the Sessions Court within one week from today and hence, the applicant stands protected till 11/8/2015, during which he shall appear before the Sessions Court and obtain necessary orders. The learned Sessions Court shall decide the application on its own merits without being influenced by withdrawal of this application.

3 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)