

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1070 OF 2015

Manoj Ramsevak Sharma	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Rajiv Patil, Senior Counsel, i/b. Mr. Sameer M. Mangaonkar, for the applicant.

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

CORAM: SMT. SADHANA S. JADHAV, J.

DATE : 28th July, 2015.

P.C.

Heard learned Senior Advocate for the applicant. This is an application under Section 438 of Cr.P.C. The applicant is apprehending his arrest in C.R. No.74 of 2015 lodged at P.V. Road Police Station for the offences punishable under Sections 465, 467, 468, 471, 420 of Indian Penal Code.

2. On 28.1.2015, the applicant had approached this Court seeking pre-arrest bail. At that stage, the learned APP had made a statement that no crime is registered against the applicant and, therefore, this Court (Coram: P.D. Kode, J.) had disposed of the application with a direction that in the

event of V.P. Road Police Station intending to arrest the applicant in connection with the application made by Nirmala Ramsevak Sharma on 29.12.2014, they shall give 48 hours' notice to the applicant.

3. It is pertinent to note that the complainant happens to be the mother of the present applicant. The applicant herein has approached the High Court directly without approaching the Sessions Court under Section 438 of Cr.P.C. Judicial propriety warrants that the applicant shall approach the Court of the first instance before coming to the High Court.

4. In view of this, the learned Senior Advocate seeks liberty to withdraw the application with further liberty to approach the Court of Sessions under Section 438 of Cr.P.C. The applicant is protected for a period of two weeks from today within which he shall file an application before the Sessions Court under Section 438 of Cr.P.C. The learned Sessions Court shall decide the application on its own merits without being influenced by the withdrawal of this application.

Application stands disposed of as withdrawn.

(SMT.SADHANA S.JADHAV, J.)