

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1505 OF 2014

Narendra Subhash Bhoir

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. U. P. Warunjikar a/w Mr. Subhash Hulyalkar for Applicant

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : MARCH 5, 2015

PC :

1) Learned APP has rightly submitted that there is no co-operation from investigating agency. In spite of several reminders, investigating officer is not present for giving instructions and therefore, learned APP is unable to make submissions, especially in view of the fact that this is an application for pre-arrest bail.

2) Learned counsel for the applicant submits that applicant is protected by the orders of this Court since 28/11/2014. Main contention was that fair opportunity was not extended to the applicant to make his submissions at the time of hearing before the Sessions Court. In view of this, learned counsel for

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the applicant, upon instructions seeks liberty to withdraw the application with further liberty to approach the Sessions Court under section 438 of Code of Criminal Procedure, 1973.

3) Liberty as prayed for is granted. However, learned Sessions Court shall not be influenced by the withdrawal of this application. Applicant shall make an application before Sessions Court on or before 16/03/2015. Applicant shall stand protected till 5.00 pm of 16/03/2015, during which period, he shall press for reliefs before the Sessions Court. Needless to say that application has not been decided on merits.

4) Application stands dismissed as withdrawn.

(SMT. SADHANA S. JADHAV, J.)