

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.887 /2015

(Santosh Ashok Dorsatwar vs. State of Maharashtra)

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

.....
Mr. Mir Nagman Ali, Advocate for applicant
Ms. N.P. Mehta, APP for respondent

CORAM: A.B.CHAUDHARI, J.

DATED : 17th December, 2015.

Heard.

Learned counsel for the applicant submitted that the learned Judge of the Court below made an order asking the applicant to remain present before the Court without any protection from arrest. He relied on the single Judge decision of this Court in the case of Ashik. Rameshchandra Shah vs. State of Maharashtra : 2009 LawSuit (Bomb) 2022.

However, I find that the powers given to the Court to ask the accused to remain present for hearing anticipatory bail application is not qualified with the proposition that protection should be extended first and then the accused should be called upon to remain present. The will of the Parliament is reflected from the provision when the law was amended empowering the Sessions Court to call upon the accused to remain present before the Court as precondition for hearing the anticipatory bail

irrespective of the whether protection is granted or not.

Criminal Application No.887/2015 is rejected.

JUDGE

sahare