

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.617 OF 2016

Ashutosh Joshi	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Ashish Raghuvanshi, for the Applicant.
Mrs. P.P. Shinde, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **6th APRIL, 2016**

P.C.:

. The application is made for transit anticipatory bail. It is submitted by the learned counsel appearing for that the applicant /accused that the learned Metropolitan Magistrate, 11th Court, Kolkata in C.S. No. 328484 of 2014 has taken cognizance and issued process against the applicant/accused for the offence punishable under Sections 420, 406, 409, 467, 468, 471, 120(B) and 506 of the Indian Penal Code.

2. The learned counsel for the applicant/accused submits that this application is filed only for a limited relief of transit pre arrest bail to enable the applicant to attend the Court of learned Metropolitan Magistrate, 11th Court, Kolkata.

3. The learned prosecutor submits that the warrant is issued under Section 204 of Code of Criminal Procedure. He relied on the judgment of this Court in the case of “Himanshu @ Hemant Rajendra Bhatt vs. State of Maharashtra, in Anticipatory Bail Application No. 492 of 2014” for grant of anticipatory bail when warrant is issued by the learned Magistrate under Section 204 of Code of Criminal Procedure and also in the case of “Akhalaq Ahmed F. Patel vs. State of Maharashtra, 1998(2) Mh.L.J.”

4. This Court has taken view while issuing process when warrant is issued by the learned Magistrate in a non-cognizable offence, the power under Section 438 of Code of Criminal Procedure can be invoked, as relied in the cases of Himanshu Bhatt and Akhalaq Ahmed (supra).

5. In view of this, the transit pre arrest bail is granted to the applicant/accused upto **15th April, 2016** to enable the applicant/accused to approach the learned Metropolitan Magistrate, 11th Court, Kolkata.

(MRS.MRIDULA BHATKAR, J.)