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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1954 OF 2016

Mr. Vaibhav Manoj Shah	...Applicant
Vs.	
State of Maharashtra	...Respondents

Mrs. Pranali Kakade i/b. Mr. Subhash Hulyalkar,
Advocate for the Applicant
Mr. R.K. Pathak, Spl. PP for DRI
Mr. Vinod Pisharodi, Sr. I.O present

**CORAM : M.S. KARNIK, J.
DATED : 7TH NOVEMBER, 2016
(VACATION JUDGE)**

PC. :

Matter is not on board. In view of the urgency taken on board and heard.

2. On 6th November, 2016 when the application for the anticipatory bail came up before the learned Additional Sessions Judge (Vacation Court) it was submitted that as only a notice under Section 108 of the Customs Act, 1962 was issued to the Applicant, the Applicant requested to keep the application pending as the Court found the same to be

premature.

3. The learned Counsel for the Applicant has invited my attention to the copy of the reply filed on behalf of Respondent No.2 before the learned Sessions Court, especially paragraphs 8 and 9 and therefore, in view of this the affidavit applicant apprehends that he is likely to be arrested.

4. Learned Counsel for the Applicant submits that the Counsel for the Applicant was under some mistaken impression before the learned trial Court and therefore overlooked the reply filled by the Respondent No.2.

5. Be that as it may, in this view of the matter the learned Counsel for the Applicant prays that she may be allowed to withdraw this application with liberty to move the learned Sessions Court for appropriate interim protection in the said application.

6. Since the application is pending and now listed before

the Sessions Court on 15th November, 2016, the learned Counsel for the Applicant is granted liberty to move the said application before the learned Sessions Judge immediately. In the event such a request for preponement is made the learned Sessions Judge may consider the same on its own merits without being influenced by this order or by the order dated 6th November, 2016 passed by the learned Sessions Judge and pass appropriate interim / final orders in accordance with law.

7. Present application is allowed to be withdrawn and disposed of as such.

8. I may not be understood to have expressed any opinion on the merits of the matter.

(M.S. KARNIK, J.)