

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 CRIMINAL APPLICATION NO. 1607 OF 2017

With

CRIMINAL APPLICATION NO. 2084 OF 2017

AMEY RAMDAS WADILE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Shri. Nandkumar B. Sawant, Advocate, for applicants.

Shri. S.W. Munde, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 20 April 2017

ORDER:

1) The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2) It appears that application for anticipatory bail, bearing Criminal Application No.418/2016 was filed in Sessions Court Dhule and by order dated 13-6-2016 the Court had observed that notice of 72 hours needs to be given to the applicants if the investigating agency wants

to arrest the applicants. Such order was made as on the date of the order no crime was registered. Present crime came to be registered on 18-3-2017 in Sakri Police Station. Thus after registration of the crime the present applicants have not approached the Sessions Court. The learned counsel for the applicants submitted that application can be directly filed under section 438 of the Cr.P.C. in this Court. Though technically it is correct, the propriety requires that application needs to be filed first in Sessions Court. In view of these circumstances, this Court holds that no relief can be granted in the present matter and first the matter needs to be filed in Sessions Court. For doing that, 7 days' protection is granted to the applicants. After seven days there will be liberty to the investigating agency to arrest the applicants. The applications are disposed of. Authenticated copy is allowed to both sides.

Sd/-
(T.V. NALAWADE, J.)