

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 45 OF 2017

Ahsan Wahid Shaikh and another

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Shaikh Mohd. Imran Advocate for the Applicant.

Mr. R. M. Pethe APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 10th JANUARY, 2017.

PC :

1) This is an application under section 438 of the Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 338 of 2014 registered at Dindoshi Police Station on 05/06/2014 for offence punishable under sections 498 (A), 406, 313, 323, 504, 506, 509 r/w 34 of the Indian Penal Code and Section 66 (a) (b) of the Information Technology Act.

2) The learned counsel for the applicants submits that husband of the first informant has been arrested and is in judicial custody. The learned counsel fairly submits that non-bailable warrant is issued against present applicants.

3) In view of this, application under section 438 of Code of Criminal

ism

Procedure, 1973 would not be maintainable. Hence, the learned counsel for the applicants upon instructions seeks liberty to appear before the learned Magistrate in R.C.C. No. 285 of 2015 and file an application requesting the learned Magistrate to recall the non-bailable warrant.

4) Applicants stand protected till 17/01/2017. Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)