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

ANTICIPATORY BAIL APPLICATION NO. 63 OF 2017

Mahbub Alam Rehaman Shaikh	...Applicant
vs	
The State of Maharashtra	...Respondent

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Ms Ashwini Gaikwad i/b Usmani Abuqaiser Shabeehahmad for the Applicant
Mr M.G.Patil APP for the Respondent
Mr P.P.Nawle, PSI, Dindoshi Police Station present.

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**CORAM : SMT SADHANA S. JADHAV, J.
13 JANUARY, 2017**

P.C. :

This is an application under Section 438 of the Code of Criminal Procedure, 1973. The Applicant herein is apprehending his arrest in Crime No. 238 of 2014 registered at Borivali Police Station on 5 June, 2014. The Applicant is being prosecuted for the offences Punishable under Sections 498(A), 406, 313, 323, 504, 506, 509 r/w 34 of Indian Penal Code and Section 66(a) and (b) of the Information Technology Act.

2 The learned Counsel for the applicant submits that the 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 the present applicant.

3 In view of this, application under Section 438 of the Code of Criminal Procedure, 1973 would not be maintainable. Hence, the learned counsel for the applicant, upon instructions, seeks liberty to appear before the learned Magistrate in CC No.285/PW/2015, and file an application requesting the learned Magistrate to recall the non-bailable warrant.

4 The Applicant stands protected till 23 January, 2017. Application stands disposed of.

(SMT SADHANA S. JADHAV, J.)