

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 299 OF 2017

Munawar Moidu Shirawat	...	Applicant/Accused
Vs.		
The State of Maharashtra	...	Respondent

Mr. Taraq Sayed, Advocate for the applicant.
Ms. Veera Shinde, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 28th February, 2017.

P.C.

None appeared for the applicant on 6.2.2017. The copy of the application was also not served upon the office of the prosecution and this Court had observed that in the eventuality the application is served within one week, the learned APP shall take instructions. The present application was filed on 2.2.2017. On 27.2.2017, a precipe was moved for withdrawal of the application. The circulation was granted.

2. Today, upon query made by this Court, the learned counsel appearing for the applicant had sought liberty to withdraw the application and it was mentioned that the applicant would move the Court under Section 437(6) of Cr.P.C. Subsequently, the learned counsel Mr. Sayed has appeared before the Court and it is submitted that he has instructions to

withdraw the application. This Court had requested the learned APP to take instructions as to whether the applicant has been enlarged on bail by the Sessions Court. The learned APP submits that the applicant has filed an application seeking enlargement on bail which is registered as Bail Application No.241 of 2017. The said application is filed by Advocate Mr. Ajay Dube and is pending before Court Room No.23. Needless to state that the applicant was availing of both remedies simultaneously. It appears that the applicant has made a frail attempt to mislead this Court by seeking liberty to file application under Section 437(6) of Cr.P.C. whereas in fact an application seeking enlargement on bail is pending before the Sessions Court. The learned Sessions Court shall take judicial note of the said fact and consider the application. The learned APP submits that the Bail Application is due for hearing before the Sessions Court today i.e. 28.2.2017.

3. The present application stands dismissed.
4. Office to communicate this order to Court Room No.23 which is seized with Bail Application No.241 of 2017 forthwith.

(SMT. SADHANA S.JADHAV, J.)