

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 225 OF 2017

Ramesh Suryawanshi & ors.	... Applicants.
Versus	
The State of Maharashtra.	... Respondent.

Mr. V.K. Dubey, advocate for Applicants.

Mr. Arfan Sait, APP for State.

Mr. S.B. Kadam, API, Kopari Police Station, Thane.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 7, 2017**

P.C.:

1 The learned APP at the outset submits that the applicants in the present application have not filed any application before the Sessions Court under Section 438 of the Code of Criminal Procedure, 1973. It is true that there is concurrent jurisdiction. However, judicial propriety warrants that judicial discipline is to be maintained. Hence, the learned Counsel for applicants upon instructions seeks liberty to withdraw the application. Liberty as prayed for is granted in the

interest of justice with further liberty to approach Sessions Court under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Court shall decide the application on its own merits without being influenced by the order dated 31/1/2017 passed in ABA 166 OF 2017. The application stands dismissed as withdrawn and disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)