

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2219 OF 2017***

Chidanand Rajshekhar Birajdar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vikrant V. Phatate, for the applicant.
Mrs. Veera Shinde, APP, for the State.

***CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 21st December, 2017.***

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.119 of 2016 registered at Valsang Police Station for the offence punishable under Sections 395, 504, 506 of the Indian Penal Code. The investigation is completed and charge sheet is filed.

2. On 18.5.2017, Datratay Malame lodged a report at the police station alleging therein that on 7.5.2016 when he was proceeding from Aherwadi to Falatiwadi near Shindagi, two persons had prevented him on the road. They were followed by two other persons in the Tempo. The

supplementary statement was recorded on 2.8.2016 in which there is a reference to the name of `Chidanand' resident of Korsegao. The applicant happens to be a resident of Korsegao and his name is Chidanand Birajdar and therefore there was no other charge sheet is filed against him. It appears that non-bailable warrant is issued against the present applicant and not executed by 7th June, 2016. In view of the fact that non-bailable warrant is issued, an application under section 438 of Cr.P.C. would not be mandatory.

3. The learned counsel for the applicant submits that the applicant would appear before the trial Court and seek cancellation of non-bailable warrant by 28.12.2017. The execution of non-bailable warrant is stayed till 5 p.m. on 28.12.2017. The application is disposed of in the above terms.

(SMT. SADHANA S.JADHAV, J.)