

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 161 OF 2018**

Vishal Rasiklal Karta	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mr. Ashok P. Mundargi, Sr. Advocate I/b Mr. Sujit B. Shelar for the Petitioner

Mr. Prakash Shetty, Spl. P.P. for the Respondent-State

PI Mr. Naikwadi from N. M. Joshi Marg Police Station, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 15th JANUARY, 2018

P.C. :

1 By this petition, the petitioner has impugned the order dated 10th January, 2018 by which the learned Magistrate was pleased to grant police custody remand of the petitioner.

2 Mr. Mundargi, learned senior counsel for the petitioner submitted that the petitioner has been charged for an offence punishable under Section 216 of the Indian Penal Code, which is a bailable offence

and hence, the order granting police custody remand was illegal and contrary to law.

3 Learned Special P.P does not deny that the petitioner has only been charged for an offence punishable under Section 216 of the Indian Penal Code, which is a bailable offence. Learned Special P.P, on the instructions of the Investigating Officer, who is present in Court states that at this stage, there is no material which has come on record to charge the petitioner for an offence punishable under Section 304. The said statement is accepted. Learned Special P.P, however, states that the petitioner is always at liberty to file an appropriate application seeking bail, in the Remand Court, before the next date, which is 17th January, 2018.

4 In view of the above statement, learned senior counsel for the petitioner seeks leave to withdraw this petition, with liberty to file an appropriate application (for bail) before the learned Magistrate, Bhoiwada, today at 3:00 p.m. The Investigating Officer is present in Court and states that he would remain present before the Bhoiwada Court at 3:00 p.m today, when such an application (for bail) would be filed.

5 If such an application is filed, the learned Magistrate shall forthwith decide the same, today itself, in view of the statement made by the learned Special P.P, that the petitioner has been charged for an offence punishable under Section 216 of the Indian Penal Code, which is bailable.

6 The writ petition is disposed of on the aforesaid terms.

7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.