

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

**CRIMINAL APPLICATION NO. 54 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1099 OF 2017**

Miss Mansi Harshad Shah **... Applicant**

V/s.

The State of Maharashtra **... Respondent**

Mr. Nirajjan Mundargi i/b Akshar Law for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

**CORAM : A.S.GADKARI, J.
DATE : 1st FEBRUARY, 2018**

P.C.:

. This is an application for clarification of Order dated 05.01.2018 wherein the Applicant was directed to surrender before the Court of Competent Jurisdiction.

2 The learned Counsel for the Applicant submitted that in pursuance of the said directions, she surrendered before the Additional Sessions Judge, Vasai who refused to entertain the application of the Applicant. I find no error in the order passed by the learned Additional Sessions Judge, Vasai on 09.01.2018.

3 The Applicant instead of interpreting the terminology of "Competent Jurisdiction" ought to have surrendered before the learned Magistrate having jurisdiction which is the Court of first instance who exercises the power under

Section 437 of the Cr. P.C. It clearly appears that the Applicant with a view to procrastinate the litigation and kill time has deliberately chosen to surrender before the Sessions Court.

4 In view of the above, the Order dated 05.01.2018 is hereby modified and Applicant is directed to surrender before the concerned Magistrate having jurisdiction on or before 11.00 a.m. of 02.02.2018. If the Applicant fails to surrender herself before the concerned Magistrate, the Investigating Officer is at liberty to arrest her and produce her before the concerned Magistrate.

5 Application is disposed off in the aforesaid terms.

(A.S.GADKARI, J.)