

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

ANTICIPATORY BAIL APPLICATION NO. 90 OF 2018

Shivanand Ramchandra Tengale. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Priyal G. Sarda, Advocate for Applicants.

Mr. Y.M. Nakhwa, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 22, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under Section 438 of Code of Criminal Procedure, 1973. 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.

3 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 Fatatewadi 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.

4 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 Code of Criminal Procedure, 1973 would not be mandatory.

5 The learned counsel for the applicant submits that the applicant would appear before the trial Court and seek cancellation of non-

bailable warrant by 30/1/2018. In view of this, the learned Counsel for the applicant seeks liberty to withdraw the application. Liberty as prayed for is granted in the interest of justice. The application stands dismissed as withdrawn.

6 The execution of non-bailable warrant is stayed till 5 p.m. of 30/1/2018.

7 The application is disposed of in the above terms.

(SMT. SADHANA S. JADHAV,J)