

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

ANTICIPATORY BAIL APPLICATION NO. 94 OF 2018

Bharat Jagdishchandra Joshi. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Radhikesh V. Uttarwar, advocate for Applicant.

Mr. N.B. Patil, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 17, 2018**

P.C.:

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

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 474 of 2017 registered at Nigdi Police Station, Pune for offence punishable under section 420, 406 read with section 34 of the Indian Penal Code.

3 In the course of arguments, the learned APP has filed report of the API of Nigdi Police Station, wherein it is stated that a notice under section 41A of the Code of Criminal Procedure, 1973 was issued to the applicant. He had not appeared before the police and therefore, on 6/10/2017 non-bailable warrant is issued against the applicant under section 73 of the Code of Criminal Procedure, 1973.

4 Upon query made by this Court, learned APP has submitted upon instructions that bailable warrant is not issued against the applicant. Once, non-bailable warrant is issued, this Court is not inclined to consider the application under section 438 of the Code of Criminal Procedure, 1973.

5 Learned Counsel for the applicant upon instructions submits that the applicant would appear before the Court of Judicial Magistrate First Class, Pimpri on or before 24/1/2018 and file and application for cancellation of non-bailable warrant and also to cooperate with the investigating agency.

6 In view of this, without going into the merits of the matter, execution of non-bailable warrant issued on 6/10/2017 is stayed till 5 p.m. of 24/1/2018.

7 The application is accordingly disposed of in the above terms.

(SMT. SADHANA S. JADHAV,J)