

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 151 OF 2018

Mrs. Ranjana Pandit Magar.	... Applicant.
Versus	
The State of Maharashtra.	... Respondents.

Mr. Rameshwar Navnath Gite, advocate for Applicant.

Mr. S.R. Agarkar, APP for State.

Mr. Dilip A. Aher, PSI, Vadner Khakudi Police Station,
Nashik(Gramin).

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 24, 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 the Code of Criminal
Procedure, 1973. The applicant herein is apprehending her arrest in
Crime No. 82 of 2015 registered at Vadner Khakudi Police Station,

Nashik for offence punishable under section 323, 406, 420, 468, 471, 504 read with section 34 of the Indian Penal Code.

3 Learned Counsel for the applicant upon instructions submits that initially, the application filed by the applicant in the year 2015 was rejected on merits. However, the police had not apprehended the applicant for the reasons best known to the investigating agency although she continued to work as gram sevak of village Anantwadi. The investigation was completed. As far as other accused are concerned. charge-sheet is filed on 18/10/2016 and the case is registered as R.C.C. No. 587/16.

4 It is pertinent to note that since the case is registered before the learned Magistrate and charge-sheet is not filed against the applicant, the Magistrate was constrained to issue non-bailable warrant on 27/12/2017. It is in these circumstances that the applicant filed an application under section 438 of the Code of Criminal Procedure, 1973 before the Sessions Court on 10/1/2018 which was rejected by

an order dated 15/1/2018.

5 The allegation against the present applicant is that she was working as trainee village secretary and had issued false and fabricated death certificate which was used by the Revenue Authorities, despite the fact that the person Kisan Bhilla was alive.

6 Taking into consideration the fact that non-bailable warrant was issued against the applicant, this Court is not inclined to consider the application under section 438 of the Code of Criminal Procedure, 1973.

7 The learned Counsel for the applicant therefore, upon instructions seeks liberty to withdraw application. Liberty as prayed for is granted in the interest of justice.

8 It is submitted that the applicant would surrender before the concerned Magistrate seized with R.C.C. No. 586 of 2016 and seek

cancellation of non-bailable warrant. Learned Magistrate shall decide the said application on the same day on its own merits. The applicant stands protected till 5 pm. of 30/1/2018.

9 The application stands dismissed as withdrawn and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)