

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

ANTICIPATORY BAIL APPLICATION NO.180 OF 2018

Shirish Deepak Kulkarni		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Niranjan Mundargi for the Applicant.
Ms. P.P. Shinde APP for the State.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *31st January 2018*

P.C.:

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

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.347 of 2017, registered at Shivaji Nagar Police Station, Pune, for the offences punishable under Sections 406, 420 read with 34 Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act, 1999.

3 The principal accused are the parents of the present applicant. The applications filed by the parents are pending before

this Court. Learned counsel for the applicant submits that the applicant herein received a notice dated 24th January 2018 to cause his presence at the police station since they are investigating the said case. He was called to the police station on 25th January 2018. It is in these circumstances that the applicant has directly approached this Court. Judicial discipline requires that the applicant should normally file an application before the Sessions Court under Section 438 Cr.PC. and pendency of the application of the other accused could be no ground to approach this Court directly. It is, in these circumstances without going into the merits of the matter, this Court is inclined to dispose of the application with a direction that the applicant shall approach the Sessions Court at Pune under Section 438 Cr.PC. The Sessions Court shall consider the application on its merits as the present application has not been heard on merits and the name of the applicant is not stated in the first information report.

4 Learned counsel, upon instructions, submits that the applicant would file an application under Section 438 Cr.PC. before the Sessions Court at Pune on or before 8th February 2018. In view of this, the applicant stands protected till 5.00 pm. of 8th February 2018.

The application stands disposed of.

(*Smt. Sadhana S. Jadhav, J*)