

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.224 OF 2018

Nikhil James Silva vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Shirish Gupte with Ms. Rucheeta Dhuru i/by Santosh Bhalgnnke for the Applicant.

Mr. Ameet Palkar, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 6th February, 2018

P.C.

1. By the present application, the applicant is seeking pre arrest bail in CC No.654/2016 pending on the file of 47th Metropolitan Magistrate Court, Esplanade, Mumbai arising out of offence bearing CR No.100/2014 registered with E.O.W. Unit No.II, Mumbai. The applicant has also prayed for cancellation of non bailable warrant/proclamation issued against him by the learned Metropolitan Magistrate, 47th Court, Mumbai in CC No.654 of 2016.

2. The record indicates that after completion of investigation of the aforesaid crime, the police have submitted charge sheet and as the applicant did not remain present before

the Trial Court on various dates, the learned Magistrate was constrained to issue nonailable arrest warrant against the applicant on 9.11.2017. It being a standing nonailable warrant, returnable date has not been given by the learned Magistrate.

3. During the Course of arguments, the learned Senior Counsel appearing for the applicant submitted that the applicant may be granted some time to surrender before the concerned Magistrate and to file an application under Section 82 of the Cr.P.C.

In view thereof, the applicant is directed to appear before the concerned Magistrate on or before 11.00 a.m. of 12.2.2018 and to file an application for cancellation of warrant/proclamation issued against him. It is needless to mention that after the applicant appears before the concerned Magistrate, he shall file application for regular bail and the learned Magistrate will deal with the same on its own merits.

4. Application is disposed off in the aforesaid terms.

(A.S.GADKARI, J.)