

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

ANTICIPATORY BAIL APPLICATION NO. 312 OF 2018

Kavita Jayesh Doshi

... **Applicant**

V/s.

Central Bureau of Investigation and Ors. ... **Respondents**

Mr. Niranjan Mundargi a/w Dilip Shukla for the Applicant.

Mr. S.D. Khot for Respondent No.1/CBI.

Mr. Ameet Palkar APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 21th FEBRUARY, 2018

P.C.:

. This is an application under Section 438 read with Section 482 of Cr.P.C. for pre-arrest bail against the Order dated 28.11.2017 passed by the learned Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai thereby issuing non-bailable warrant against the Applicant for evading the service of summons and bailable warrant.

2 The record indicates that against the said Order dated 28.11.2017, the Applicant had preferred Anticipatory Bail Application No. 1940 of 2017 before the learned Additional Special Judge (CBI), Greater Mumbai which has been turned out by an Order dated 07.02.2018.

3 The Applicant is having substantive remedy as contemplated under Section 70(2) of the Cr.P.C. for cancellation of the said non bailable warrant.

4 In view thereof, Mr. Mundargi, the learned Counsel for the Applicant submitted that the Applicant will appear before the Court of learned Additional Chief Metropolitan Magistrate, Esplanade, Mumbai on or before 11.00 am on 28.02.2018 and will file appropriate application in that behalf. The said statement is accepted.

5 Till then, the effect and implementation of the impugned order dated 28.11.2017 is stayed.

6 It is made abundantly clear that this Court has not examined the merits of the matter and the concerned Court i.e. Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai shall hear the application filed by the Applicant for cancellation of the said non-bailable warrant and application for regular bail on its own merits without being influenced of the order passed by this Court as the present application is not entertained on merits.

7 Application is disposed off in the aforesaid terms.

(A.S.GADKARI, J.)