

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

ANTICIPATORY BAIL APPLICATION NO.458 OF 2018

Mr. Shagar Altaf Nachan @ Abasheth Nachan & Anr. ... **Applicants**

V/s.

The State of Maharashtra ... **Respondent**

Mr. M.B. Solkar i/by Ms Tahera Qureshi for the Applicants.
Mr. A.R. Kapadnis, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 19th MARCH, 2018

P.C.:

1. This is a subsequent application for pre-arrest bail.
2. The earlier application bearing ABA/97/2018 was dismissed as withdrawn by an Order dated 17.01.2018. The said order reads as under:-

“1. After hearing the learned counsel for the applicant at length when this Court was not inclined to grant any relief, the learned counsel on instructions seeks leave to withdraw the application with liberty to surrender before the Investigating Officer on or before 11.00 a.m. of 22.1.2018.

2. Leave and liberty granted.

3. Dismissed as withdrawn with the aforesaid liberty.”

3. The record clearly indicates that, on 22.01.2018 the applicant did

not surrender before the Investigating Officer. The learned counsel for the applicants submitted that, there was a marriage in his family on 21.01.2018 and therefore he could not surrender before the Investigating Officer on or before 11.00 a.m. on 22.08.2018.

4. The said plea is recorded for only its rejection for the plain and simple reason that, the applicants despite making a solemn statement before this Court, did not honour the same and with a view to procrastinate the matter and to cause undue delay in the process of investigation, did not surrender before the Investigating Officer. As the applicants have failed to honour their solemn statement made before this Court, this Court is not inclined to grant any relief of the applicants on that ground alone.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)