

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 994 OF 2018

1 Ashwani Sudarshan Malhotra.
2 Smt. Smita Ashwani Malhotra. .. Applicants.

V/s.

Union Territory of Daman & anr. .. Respondent.

Ms. Sonal Parab I/b. Mr. Abhijit Y. Patil, advocate for applicants.

Ms. Purnima H. Kantharia, advocate for respondent No. 1.

Mr. Rajan Salvi, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 25, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and learned APP for State.

2 Learned Counsel for the applicant upon instructions submits that she would not press the application for applicant No. 1 and that he would surrender before the Court on or before 6/8/2018. In view of this, the applicant No. 1 stands protected till 5 p.m. of 6/8/2018. The learned Magistrate shall consider the application on its own merits without being influenced by the withdrawal of the present applicant.

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3 As far as the application of the applicant No. 2 is concerned, the applicant No. 2 was granted interim relief vide order dated 10/7/2018. For the reasons assigned in the said order, interim relief granted vide order dated 10/7/2018 deserves to be confirmed on the same terms and conditions.

4 The observation are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not considered for discharge application or quashing of FIR or at the time of trial.

5 Hence, following order is passed :

ORDER

(i) Application of the applicant No.1 stands dismissed as withdrawn and disposed of accordingly.

(ii) The applicant No. 1 shall surrender before the concerned Court on or before 6/8/2018. The applicant No. 1 stands protected till 5 p.m. of 6/8/2018.

(iii) The application of applicant No. 2 is allowed.

(iv) In the event of arrest in Crime No. 37 of 2016 registered at Costal Police Station, Daman, the applicant No. 2 be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/-with one or more solvent sureties in the like amount.

(vi) The applicant No. 2 shall report to the police station as and

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when called by the Investigating Officer and cooperate with the investigating agency to the best of her capacity.

(vii) The applicant No. 2 shall not tamper with the evidence.

6 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna Sandeep
Talwalkar

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Sandeep Talwalkar
Date: 2018.07.31
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