

SSK

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

WRIT PETITION NO. 4234 OF 2018

Sagar Suryawanshi

..Petitioner

Versus

State of Maharashtra & Ors.

..Respondent

Mr. Abhijit P. Kulkarni, a/w Sagar K. and Manoj Badgujar,
i/b Sagar Badgujar, advocate for the petitioner.

Mrs. P.P. Shinde, APP for the State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, J J.**

DATE : 28th SEPTEMBER, 2018.

P.C.:-

1. Heard. Petitioner is an accused in FIR bearing CR No.55 of 2015 registered with Shivajinagar Police Station, Pune.
2. The Petitioner earlier approached the Court of learned Additional Sessions Judge, Pune, for grant of anticipatory bail and the learned Additional Sessions Judge, by order dated 10th April, 2015, granted anticipatory bail.
3. In subject crime, charge-sheet is filed and thereafter the case is numbered as Regular Criminal Case No.2365 of 2018. The petitioner thereafter filed regular bail application. This

application is opposed by the learned APP as it is evident from his say, copy of which is annexed at exhibit 'E' page 56.

4. Mr. Kulkarni, learned Counsel for the Petitioner submit that the learned Magistrate has inclined to reject the bail application despite petitioner was released on anticipatory bail by the learned Additional Sessions Judge in subject crime. We, however, find that as on today the learned Magistrate has not passed an order. The learned Magistrate, while considering the petitioner's said bail application, is bound to follow the law laid down by constitutional bench of the Apex Court in **Gurbaksh Singh Sibbia and ors vs State of Punjab** reported in **(1980) 2 Supreme Court Cases 565** and Division Bench judgment of the Apex Court in **Siddharam Satlingappa Mhetre vs. State of Maharashtra and ors** reported in **(2011) 1 Supreme Court Cases 694**. Since there is no order passed by the Magistrate, we are not inclined to entertain this petition. The Petition is disposed of subject to above observations.

5. All concerned shall act on authenticated copy of the order.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]