

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

CRIMINAL APPLICATION No.1299 OF 2018

Shri Gurjeet Singh Raghveer Singh Chabra
alias Micky & Ors.

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.A.M. Saraogi with Simer Chabra i/b P.H. Jaggi for the Applicant

Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: OCTOBER 31, 2018

P.C.:

1. Learned Counsel appearing for the applicants/accused submits that the learned JMFC, Vasai, without hearing the applicants/accused cancelled the bail granted earlier and issued non-bailable warrant. The learned Counsel submits that he was prosecuted initially u/s 324 of the Indian Penal Code and the accused were granted bail by the learned JMFC. However, the police has now added section 326 of the Indian Penal Code which is non-bailable and, therefore, the learned Magistrate has cancelled the bail and issued the non-bailable warrant. The

learned Counsel submits that the learned Magistrate has no right to cancel the bail, without giving audience to the accused.

2. Learned Prosecutor submits that she was not supplied with the papers of the application and only now, the papers are given to her by the learned Counsel for the applicants/accused. Therefore, this Court is not in a position to get a correct idea as to what happened before the learned JMFC, Vasai.

3. In view of this, the applicants/accused are directed to appear before the learned JMFC, Vasai tomorrow i.e., 1st November, 2018 at 11am and till hearing on the issuance of non-bailable warrant, which is to be taken up tomorrow itself, the applicants/accused are protected. The learned JMFC after hearing the accused, may pass orders which he thinks fit in accordance with law.

4. The application is accordingly disposed of.

5. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)