

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

WRIT PETITION NO. 115 OF 2019

Manish B. Jain & Ors.

...Petitioners

Versus

State of Maharashtra & Anr.

...Respondents

.....

Mr.Ashutosh R. Gole for the Petitioners.

Mr. A.R.Patil, APP for Respondent No.1-State.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: 09 JANUARY 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. This Petition is directed against the orders dated 26th December, 2018 and 3rd January, 2019 passed by the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai in Summons Case No. 6480 of 2017.
3. The learned counsel for the petitioners submits that the present petitioners are prosecuted for the offence punishable under section 138 of the Negotiable Instrument Act. He further submits that there are nine accused and only accused Nos. 2 and 3 have applied for bail and granted bail and other accused, who

are the present petitioners before this Court, have never applied for bail. He further submits that there is no order of bail and, therefore, there is no question of furnishing cash bail bond. He further submits that the orders passed by the learned Magistrate are erroneous on this ground. He further submits that all the accused persons shall remain present on the next date i.e., 22nd May, 2019 before the learned Magistrate and make necessary application for bail. Hence, he prays that the present petitioners are to be protected.

4. In view of the prayers and the submissions made by the learned counsel for the petitioners, and on an undertaking given by the petitioners, there is no need to issue notice to respondent No.2 i.e., original complainant. All the accused persons are directed to remain present before the learned Magistrate on 22nd May, 2019 at 11.00 a.m. and may move application for bail. Till the next date, no coercive action is to be taken against the present petitioners.

5. With this, Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)