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

CRIMINAL APPLICATION NO. 51 OF 2018

Anil Kisanlal Marda

.....Applicant

V/s.

The State of Maharashtra and another

.....Respondents

Mr. Niranjan Mundargi i/b Mr. Santosh S. Musale advocate for the applicant

Ms. S. S. Kaushik APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 21, 2019.

P.C.

Heard Shri. Mundargi, the learned counsel for the applicant.

2 Order of grant of pre-arrest bail dated 31/10/2017 is sought to be assailed in the present proceedings seeking cancellation on the ground of existence of antecedents.

3 The learned counsel for the accused-respondent submits that but for the one antecedent, in other matters respondent-accused has already been acquitted.

4 Shri. Mundargi, the learned counsel for the applicant submits that acquittal in the offence is subsequent to grant of pre-arrest bail in favour of the respondent-accused. One of the important consideration for grant of pre-arrest bail was absence of antecedents. He would then urge that in the matter in the charge-sheet is filed and the respondent-accused is granted regular bail based on the order of pre-arrest bail dated 31/10/2017 referred above.

5 Having considered aforesaid submissions, it will be appropriate in my opinion to relegate the complainant to the Sessions Court with liberty to take out such proceedings as are available and permissible in law as regards cancellation of the regular bail granted to the respondent-accused.

6 With above liberty, application stands disposed of.

[NITIN W. SAMBRE, J.]