

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.214 OF 2019

Hemendra Haridas Mapara, Age 53 years,
Occ.Business, R/o.201/202, Sunshine Plaza,
Junction of Kedarmal Road and Subhash Lane,
Malad (East), Mumbai-400 097.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Murtaza Nazmi I/by Sanjay Prabhala for applicant.

Mr.A.R.Kapadnis, APP, for State.

Mr.Sunil Kale, Police Inspector, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th January 2019

PC :

1. This is an application for anticipatory bail. It is submitted that the applicant had preferred an application for anticipatory bail before the Sessions Court which was withdrawn on 15th January 2019. Learned counsel for applicant submitted that the application was withdrawn as additional charges were invoked in the proceedings. Thereafter the application preferred by the co-accused namely Subak Mapara was rejected by the Sessions Court on 17th January 2019. Learned advocate for applicant submits that in view of rejection of the said application, the applicant has approached this Court by preferring present application. It is pertinent to note that the application before the Sessions Court was withdrawn prior to the order dated 17th January 2019 rejecting the application for anticipatory bail preferred by the co-accused.

2. In the circumstances, at the most, the applicant can be granted liberty to prefer fresh application for anticipatory bail before the Sessions Court. In the circumstances this application is disposed off with liberty to applicant to prefer fresh application for anticipatory bail before Sessions Court. Needless to state that if such an application is filed, the Trial Court shall decide the same on merits and in accordance with law. All contentions on merits are kept open.

(PRAKASH D. NAIK, J.)

MST