

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

ANTICIPATORY BAIL APPLICATION NO. 656 OF 2019

Shivanand Ramchandra Tengale

...Applicant.

Vs.

State of Maharashtra

...Respondent.

Mr. Priyal G.Sarda for Applicant.

Mr.S.H. Yadav, APP for Respondent/State.

CORAM : P.N. DESHMUKH, J.

DATE : 15TH MARCH, 2019

PC :

1. Issue notice. Learned APP. waives notice on behalf of respondent State and seeks time to obtain instructions and has pointed out earlier order of this court dated 22.1.2018, contending that in view thereof present application is not tenable filed for anticipatory bail in CR No.119/2016 registered for Offences punishable under Sections 395, 504, 506 of the Indian Penal Code by Valsang Police Station, District

Solapur on issuance of NBW by learned Sessions Judge, Solapur.

3. Order dated 22.1.2018 would reveal that by this order applicant was protected till 30.1.2019 granting liberty in favour of applicant to appear before trial court and seek cancellation of NBW. Learned counsel for applicant, however submits that, applicant inadvertently failed to appear before trial court within stipulated time and as such, warrant is issued against him. In support of his case, learned counsel relied upon Law in the case of Akhalaq Ahmed F. Patel vs. State of Maharashtra reported in 1998 Criminal L.J. 3969 wherein while considering scope of Section 438 of Cr.P.C. it is ruled that relief of bail before arrest can be granted even after issuance of summons or warrant against accused. In view of law as afore-stated and since NBW is issued against applicant, he has apprehension of his arrest. Considering above facts and law, as applicant was earlier released on bail on merits but was taken in custody in execution of NBW, Application is allowed as per order below.

ORDER

- a) NBW issued against applicant execution of which was stayed by this court by its order dated 22.1.2018 has been further extended till 25.3.2019 enabling applicant to take necessary take steps for cancellation of warrant.
- b) Application is disposed off as allowed on the above terms.

(P.N. DESHMUKH, J.)