

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

**WRIT PETITION NO. 1909 OF 2019**

Mohammed Hasib Sherkhan & Anr. ...Petitioners

Versus

State of Maharashtra ...Respondent

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Mr.Vivek Balor a/w. Mr.Viral Balor i/b.Mr.Meghashyam K.Kocharekar  
for the Petitioners.

Mrs.G.P.Mulekar, APP for the Respondent -State.

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**CORAM : S.S.SHINDE J.**

**DATE : 21 JUNE, 2019**

**P.C.:**

1. Heard learned Counsel appearing for the petitioners and  
learned APP appearing for respondent -State.

2. Perused the conditions imposed by the learned Additional  
Sessions Judge, Thane while allowing the application filed by  
petitioners for anticipatory bail on 18.12.2018 and also the order  
passed by the learned Judicial Magistrate First Class, Bhiwandi on  
08.03.2019.

3. In my opinion, there is no any reason to interfere in the impugned order. The observations made by the trial Court in respect of protection available to the petitioners under Section 438 of the Code of Criminal Procedure is concerned, those observations need not be taken into consideration in further proceedings.

4. The petitioners are entitled to file an application for regular bail before the trial Court. The petitioners are accused in C.R.No. I-269 of 2018 registered with Shanti Nagar Police Station for the offences punishable under Sections 397, 109, 114 of the Indian Penal Code. The petitioners to appear before the trial Court on the next date. If the petitioners files an application before the trial Court for regular bail, the trial Court to consider the said application on the same day and take appropriate decision.

5. With the above observations, Petition stands disposed of.

**(S.S.SHINDE, J.)**