

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 749 of 2020**

- Saazid Hashmi S/o (Late) Haidar Hashmi Aged About 45 Years
R/o 72/3, Ansuiya Bai Yadav Gali, Takiyapara, Durg, District Durg,
Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station, Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant
For Respondent /State

Mr. Mahendra Dubey, Advocate
Mr. Alok Bakshi, Additional Advocate
General

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****3/12/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.272/2020 registered at Police Station Civil lines, Bilaspur District Bilaspur (CG) for the offence punishable under Sections 188, 505(1) of the IPC and Section 3 of the Epidemic Diseases Act, 1897.

3. In view of the order dated 18.11.2020 passed by the Division Bench of this Court in MCRCA No.234/2020 holding that the application under Section 438 of Cr.P.C. cannot be filed directly before the High Court unless exceptional reasons are available, learned counsel for the applicant seeks permission of the Court to withdraw this bail application with liberty to move before the jurisdictional Sessions Court. In addition, learned counsel for the applicant would also submit that the applicant is enjoying interim protection in CRMP No.933/2013, therefore, as long as the CRMP is pending, the applicant may not move before the Sessions Court.
4. Accordingly, the bail application is dismissed as withdrawn. Depending upon the fate of CRMP No.933/2013, the applicant would be at liberty to move before the Sessions Court and if such bail application is filed, the same shall be decided expeditiously.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna