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

**WRIT PETITION NO.4632 OF 2022**

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Vikram Vishwas Jambhale & Anr.

... Petitioners

**V/s.**

The State of Maharashtra & Anr.

... Respondents

Mr. Vishal M. Deshmukh for the petitioners.

Mr. A.R. Patil, APP for the respondent no.1/State.

**CORAM : AMIT BORKAR, J.**

**DATED : DECEMBER 21, 2022**

**PC.:**

- 1.** The petitioners are challenging orders dated 20<sup>th</sup> October 2021 issuing non-bailable warrant against the petitioners and forfeiting cash surety.
- 2.** The petitioners were arrested in connection with F.I.R. No.111 of 2011 registered with Borivali Police Station for the offences punishable under sections 353, 504 read with 34 of the Indian Penal Code, 1860. The petitioners were released on bail. On completion of investigation, respondent no.2 filed charge-sheet before the learned 26<sup>th</sup> Metropolitan Magistrate at Borivali, Mumbai.
- 3.** According to the petitioners, they were absent due to Covid lockdown. They came to know about the impugned order of

issuance of non-bailable warrant and, therefore, have filed present writ petition.

**4.** Since the learned Magistrate has issued non-bailable warrant and forfeited the cash surety, in my opinion, it would be in the fitness of things to permit the petitioners to file appropriate application before the learned Magistrate for cancellation of non-bailable warrant.

**5.** If the petitioners file such application within two (2) weeks from today, the learned Magistrate shall decide the same within two (2) weeks thereafter.

**6.** If the order of the learned Magistrate is adverse to the petitioners, the same shall remain stayed for a period of two (2) weeks thereafter.

**7.** The writ petition is disposed of in above terms. No costs.

**(AMIT BORKAR, J.)**