

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 CRIMINAL APPLICATION NO.766 OF 2023

**MANISHA ISHAN SHAH (WANI)
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Syed Azizoddin R., Advocate for the applicant
Mr. R. S. Wani, Advocate for respondent Nos. 2 and 3
Mrs. D. S. Jape, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 28th FEBRUARY, 2023

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1. Heard.

2. Service is completed.

3. Initially order dated 22-02-2023 was passed in this matter looking to the urgency involved in the matter directing the Police machinery to take the passport of both the respondents in custody. The application seeking anticipatory bail is posted on 01-03-2023 before the learned Sessions Court, Bhusawal. This court finds that now there is no purpose of keeping the order dated 22-02-2023 in force. It would be appropriate in the interest of justice, to leave it open for the learned Sessions Court, Bhusawal to decide the application on its own merits. This court though had passed an order, it was only in view of the exigency that was shown to this court.

4. Learned advocate for the applicant strongly submits that conditions needs to be kept in force.
5. This court clarifies that all the questions/points are to be decided by the learned Sessions Court, Bhusawal and it is for that court to take decision on that application.
6. Needless to say that order dated 22-02-2023 was passed only on the submission of the applicant. Therefore, the trial court shall not be influenced by any of the observations or conditions that was imposed by this court in the said order. The order dated 22-02-2023 stands vacated.
7. Passport of both the respondents be returned.
8. It is open for the applicant herein to assist the court at Bhusawal as she has already appeared in that court.
9. Needless to say that all the points are kept open for the parties.
10. The criminal application stands disposed off.
11. Parties to act upon authenticated copy of this order.

[KISHORE C. SANT, J.]