

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

22 ANTICIPATORY BAIL APPLICATION NO.316 OF 2023

**ABHAY @ ABASAHEB MARUTI JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr.Jagtap Adinath B.

APP for Respondent-State : Ms. R.P.Gaur

Advocate for Respondent No. 2-Informant : Mr.Narwade Narayan B.

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CORAM : R. G. AVACHAT, J.

DATE : 10.04.2023.

PER COURT :

1. Heard.

2. This Court, vide order dated 09.03.2023, protected the applicant, since non bailable warrant (for short "NBW") is issued against him. It is now informed that the applicant herein had moved a Criminal Writ Petition against the Issuance of Order of the NBW. The learned Single Judge of this Court, on 09.03.2023 itself, allowed the Writ Petitioner to withdraw the said petition with liberty to move the trial Court for recall of order of the NBW. Accordingly, the applicant moved the trial Court and the NBW issued against him has been re-called. As

such, nothing remains in this application.

3. The learned Advocate for the applicant submits that the applicant has apprehension that in view of the newly added Sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant is likely to be arrested. It appears that the apprehension of the applicant is misplaced since the applicant has already been granted bail in connection with the very crime. In case, the Investigating Officer wants the applicant to be arrested, he will necessarily move to the trial Court for cancellation of the applicant's bail. The bail granted to the applicant can be cancelled only by giving him an opportunity of being heard.

4. With these observations the application is disposed of.

(R. G. AVACHAT)
JUDGE

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