

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1566 OF 2023

Prashant Purushottam Jawdekar	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Umesh S. Borade, for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 8, 2023

P.C.:

1. The Applicant has approached this Court under Section 438 of the Code of Criminal Procedure without approaching the Sessions Court where the police station is situated. Though the power of High Court and Sessions Court is concurrent under Section 438 of the Code of Criminal Procedure, the well established principle laid down by the series of judgment of this Court is that whenever a concurrent jurisdiction has been conferred on the Court, it is necessary that litigant should approach the jurisdictional trial Court before approaching the higher Court.

2. In that view of the matter, I am not inclined to entertain the matter. However, the Application is disposed without considering merits of the Application and it shall be open to the Applicant to approach the concerned jurisdictional trial Court.

3. The Application is disposed of.

(AMIT BORKAR, J.)