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

ANTICIPATORY BAIL APPLICATION NO. 5 OF 2023

Manjeet Singh T. Anand ..Applicant
Vs.
The State of Maharashtra .. Respondent

Mr. Subhash Jha a/w Mr. Siddharth Jha, Dwivendra Dubey,
Alka Pandey, Tushar Bansode i/b Law Global, for Applicant.
Mr. N. B. Patil, APP for State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 4, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for transit anticipatory bail. It is contended that the applicant is apprehending his imminent arrest in connection with warrant of arrest issued by the Court of the Additional CMM, Court Room No. 34, Ahmedabad, Gujarat in connection with Criminal Case No. 79327 of 2018 filed by Mahindra & Mahindra Financial Services Limited under section 138 of Negotiable

Instruments Act, 1881 in respect of dishonour of cheque for the amount of Rs.20,23,420/-.

3. Briefly stated it is the case that on 18/11/2022, the advocate representing the applicant viz. Ms. Aishwarya Ambre who hails from Mumbai requested learned Magistrate that the matter be adjourned for a longer time as she was scheduled to get married on 04/12/2022. Learned Magistrate however adjourned the case to 21/11/2022. On 21/11/2022, request for adjournment was made. However, learned Magistrate adjourned the case to 22/12/2022. It is then contended that the advocate for the applicant was under the impression that the applicant would be granted personal exemption from his personal appearance and that she can leave the Court. Later on, it was realised that the application was filed by the finance company seeking issuance of warrant and at the request of finance company, warrant of arrest was issued against the applicant. The applicant apprehends that when the applicant enters the State of Gujarat in connection with cancellation / recall of the warrant of arrest issued against the applicant on

22/12/2022, he could be arrested. Under these circumstances, he has approached this Court.

4. Learned APP Mr. Patil vehemently opposed the application. In his submission, there is no provision under which the present application can be entertained. He submits that transit anticipatory bail can be sought at the stage of investigation, but not when the trial Court has issued warrant of arrest. In any case, it is submitted by Mr. Patil that it is always open for the applicant to apply for cancellation of the warrant of arrest.

5. Learned counsel for the applicant relied upon the decision of this Court in the case of ¹**Akhalaq Ahmed F. Patel Vs. State of Maharashtra** where this Court held that Sessions Court as well as High Court have powers to grant anticipatory bail even in cases where warrant has been issued by the Magistrate.

6. I have not burdened this order with detailed discussion and consideration of the submissions advanced in view of what is held in Akhalaq Ahmed F. Patel's case (supra).

¹ 1998(2) Mh.L.J. 932

Suffice it to observe that in the facts of this case, the applicant can be granted transit anticipatory bail for a period of 3 weeks from today. It is therefore ordered that in the event of the arrest of the applicant on the basis of the warrant issued by the Magistrate, he shall be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount for a period of 3 weeks from today.

7. It is made clear that I have not observed anything on merits of the warrant of arrest, and the application if made for cancellation of arrest warrant, shall obviously be dealt with on its own merits in accordance with law.

8. The application is disposed of.

(M. S. KARNIK, J.)