

Sayali Upasani

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

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DEEPAK
UPASANI

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CRIMINAL APPLICATION NO. 821 OF 2023

Mehboob Abdul Khalik Khan ...Applicant
Versus
Yahyah Shaikh Ibrahim and Others ...Respondents

Mr.S. A. Shaikh with Mr. Shafi Shaikh, for Applicant.

Mr. M. G. Patil, APP for State/Respondent.

CORAM:- N. J. JAMADAR, J.

DATED:- 30th JANUARY, 2024.

PC:-

- 1) Heard the learned Counsel for the applicant and the learned APP for the State.
- 2) This application is preferred for cancellation of pre-arrest bail granted by the Court of Session in ABA No. 2054 of 2022.
- 3) The learned Counsel for the applicant submitted that the learned Additional Sessions Judge had not adverted to the gravity of the offences and the fact that there were antecedents of the applicant.
- 4) I have perused the impugned order. The learned Additional Sessions Judge noted that disputes were subjudice before the

Civil Court and the genesis of the alleged offences is in the documents and, therefore, to facilitate further investigation, the custodial interrogation of the applicant was not warranted. The applicant-accused could thus be directed co-operate with the investigation and submit specimen handwriting and signature.

5) The exercise of discretion by the learned Additional Sessions Judge does not seem to be unjustifiable. The learned Additional Sessions Judge has kept in view the principles which govern the grant of pre-arrest bail.

6) In the circumstances, I am not inclined to entertain the application.

7) The application stands rejected.

[N. J. JAMADAR, J.]