



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 823/2025

AMAR SUKHI ...APPLICANT
VS
THE STATE OF MAHARASHTRA AND ANR ...RESPONDENT

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Adv. S. R. Borulkar i/b S. S. Borulkar for the Applicant.
Adv. Ajay S. Patil, APP for the Respondent State.

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CORAM : RAJESH S. PATIL, J.
DATED : APRIL 4, 2025

P.C.:

1. Mr. Borulkar, learned counsel for the applicant submits that the arrest warrant has been issued by the Court of JMFC Munger, Bihar. He seeks a transit bail. He has referred to a judgment delivered by a Single Judge of this Court in *Himanshu @ Hemant Rajendra Bhatt vs. State of Maharashtra, [2014 (2) MWN (Cr.) DDC 130 (Bom)]*. He submitted that breathing time should be granted to his client in order to approach the Magistrate Court at Munger, Bihar for cancellation of warrant.

2. I have gone through the copy of the warrant which is annexed at page no.7, issued by Magistrate Court Munger, Bihar and have also considered the Single Judge's judgment in *Himanshu @*

Hemant Rajendra Bhatt (supra). In my view, the facts before the Single Judge in **Himanshu @ Hemant Rajendra Bhatt** (supra) are quite different. In the said proceedings an anticipatory bail application was filed against an order of issuance of non-bailable warrant passed by the Additional Chief Metropolitan Magistrate, 6th Court, Mazgaon, Mumbai in the proceedings under Section 138 of the Negotiable Instrument Act, 1881. Hence, this Court was of the view that considering the facts of that case, breathing time should be granted to the applicant therein for four weeks in order to approach the Magistrate Court at Mazgaon, Mumbai for cancellation of warrant.

3. In my view, the facts in the present proceedings and in the in **Himanshu @ Hemant Rajendra Bhatt** (supra) are quite different. In in **Himanshu** (supra) considering the facts of that proceeding where a warrant was issued by a Court in Mumbai, this Court while considering the application of anticipatory bail, had granted breathing time. In the present proceedings, the warrant of arrest has been issued by a Magistrate Court Munger, Bihar. Therefore, according to me, the right remedy would be, the present applicant should approach the Court in Bihar for seeking any relief. Therefore, the present **anticipatory bail application is rejected.**

(RAJESH S. PATIL, J.)