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

CRIMINAL WRIT PETITION NO.1187 OF 2026

Sham s/o Adinath Apet : Petitioner
Versus
Sayed Gulsheer and anr. : Respondents.

Mr. Govind B Solanke i/by Mr. Pramod Kadam for the
Petitioner.

Mrs. P P Bhosale, APP for the Respondent/State.
PSI Jadhwar, Tulinj Police Station, present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 17 March 2026

PC:-

1. At the outset, Mr. Govind Solanke, learned Advocate for the Petitioner, craves leave to amend the Petition to correct the name of the Petitioner in the cause title. Leave granted. Amendment to be carried out forthwith.

2. Heard Mr. Govind Solanke, learned Advocate for the Petitioner, and Mrs. P P Bhosale, learned APP for the Respondent/State.

3. The challenge in this petition is to the order dated 28 January 2026 passed by the District Judge -1 and Additional Sessions Judge, Vasai (Sessions Court).

4. Mr Govind Solanke, learned Advocate for the Petitioner, submits that the Petitioner is the Investigating Officer in respect of the crime which is the subject matter of OMA No. 82 of 2025. He submits that a non-bailable warrant was issued by the Session Court in view of the Petitioner's absence in OMA No. 82 of 2025.

5. Mr Govind Solanke states that the next date before the Sessions Court, Vasai, in OMA No. 82 of 2025, is 18 March 2026. He, on the instructions of the Petitioner, who is present in Court, states that the Petitioner would appear in person before the Sessions Court on 18 March 2026 and file an application for cancellation of the non-bailable warrant, showing cause for his non-appearance before the Sessions Court.

6. Mrs. P. P. Bhosale, learned APP for the Respondent/State, submits that if such an application is made by the Petitioner, then the Sessions Court, Vasai, can be directed to consider the same.

7. Mr. Govind Solanke expresses concern that the Petitioner might be taken into custody, which could jeopardise his service. He submits that the absence of the Petitioner before the Sessions Court was unintentional. He therefore

requests that, in the meantime, the Petitioner be protected, and the non-bailable warrant issued against him be stayed.

8. Considering that the Petitioner is a Police Officer, liberty is granted to the Petitioner to appear before the Sessions Judge, Vasai, on 18 March 2026, and to file an application for cancellation of the non-bailable warrant. If the Petitioner appears and files such an application before the Sessions Judge, Vasai, on 18 March 2026, the Sessions Court shall give due regard to the fact that the Petitioner is the Investigating Officer in the case concerning the crime that is the subject matter of OMA No. 82 of 2025. The Petitioner undertakes to henceforth appear before the Court as and when required by the Sessions Court.

9. In the peculiar fact of the present case, the execution and operation of the non-bailable warrant shall remain stayed until 18 March 2026.

10. This Petition is disposed of in the above terms.

(ASHWIN D. BHOBE, J.)