

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 706 OF 2026

Mr. Deepak Bhavangi Karani. ... Applicant.

Versus

State of Maharashtra. ... Respondent.

Mr. Swapnil Ambure a/w. Ms. Shubhangi Satra and Ms. Nida Khan, Advocate for Applicant.

Mr. D.J. Haldankar, APP for Respondent/State.

CORAM: N. J. JAMADAR, J.

DATE : 6th MAY 2026

P.C.:

- 1.** Heard the learned Counsel for the Applicant.
- 2.** The challenge in this Application is to an order passed by the learned Magistrate issuing non-bailable warrant against the Applicant and the order of issue of proclamation. The learned Counsel for the Applicant invites attention of this Court to the roznama in the proceedings dated 22nd July, 2015. On that day, the Respondent filed the charge-sheet purportedly under Section 299 of the Code of Criminal Procedure, 1973 ("Code"). The learned Magistrate noted that an order of pre-arrest bail was passed in favour of the Applicant. However, the Applicant had not

furnished bail. Hence, straightaway a non-bailable warrant was ordered to be issued.

3. It does not appear that the Applicant was arrested by the police after the order of pre-arrest bail was passed by this Court. The Applicant would have furnished bail only in the event of arrest by the police. In view of the provisions of Section 438 (3) of the Code, if a Magistrate taking cognizance of such offence decides that a warrant be issued against a person who has been granted pre-arrest bail, then the Magistrate shall issue a bailable warrant in conformity with the directions of the Court under sub-section (1) of Section 438 of the Code. In the instant case, the learned Magistrate has straightaway issued a non-bailable warrant.

4. In any event, the Court finds that the charge against the Applicant is that of having committed an offence under Section 406 of the Indian Penal Code, 1860. In this application, the Applicant has explained the circumstances in which he came to know about the pendency of the proceedings and the issue of non-bailable warrant.

5. The learned Counsel for the Applicant, on instructions, submits that the Applicant will appear before the learned Magistrate on 13th May, 2026.

6. In view of the aforesaid position in law with regard to the process to be issued against the person in whose favour an order of pre-arrest bail has been passed, and the facts of the case, the Application deserves to be allowed.

7. The Criminal Application stands allowed.

8. The impugned orders of issuance of non-bailable warrant and proclamation stand quashed and set aside, subject to the condition that the Applicant shall appear before the learned Magistrate on 13th May, 2026.

[N. J. JAMADAR, J.]