

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
BAIL APPLICATION NO.311 OF 2015

Sohaeil Yunus Khopatkar Applicant
Vs.
The State of Maharashtra Respondent

Mr. Chetan Alai (Amicus Curiae) for the
Applicant.
Ms S.S. Kaushik, APP, for the Respondent-
State.

CORAM: REVATI MOHITE DERE, J.

DATED: APRIL 20, 2015

P.C:

Mentioned out of turn.

2. Heard the learned counsel for the
applicant and the learned APP for the
respondent-State.

3. It is not disputed that the applicant
has been discharged under the MCOC Act and that

there is no challenge to the same.

4. The learned APP states that presently the case is pending on the file of the learned Sessions Judge, Court Room No.25, Mumbai. The learned counsel for the applicant as well as the learned APP do not dispute that the offences with which the applicant has been charged are all triable by the Magistrate's Court. Hence, the applicant's bail application being Exhibit-62, along with all papers arising out C.R. No.135 of 2014, registered with the D.B. Marg Police Station (Sessions Case No.691 of 2014), which is pending on the file of the learned Sessions Judge be forthwith sent to the appropriate Court of the learned Metropolitan Magistrate, Mumbai, having jurisdiction to try the applicant's case.

5. On the case being transferred to the

Court of Metropolitan Magistrate, the trial Court shall endeavour to decide the applicant's application for bail, i.e. Exhibit-62 as expeditiously as possible.

6. It is made clear, that the present application has not been considered on merits and the learned Magistrate to consider the said application, Exhibit-62, on its own merits.

7. The application is accordingly disposed of in the aforesaid terms.

8. Copy of this order be sent forthwith by fax to the learned Sessions Judge, Court Room No.25, Session Court, Mumbai, for ensuring compliance of this order.

9. If the applicant is unable to engage the services of a Lawyer to conduct his case,

Advocate be provided to him from the Panel of Legal Aid Cell to espouse the cause of the applicant.

10. The Court records appreciation of the efforts taken by Mr. Chetan Alai for transfer of the case to the appropriate Court.

11. A copy of the order be sent to the applicant, through the Superintendent, Mumbai Central Prison, Mumbai.

12. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)