

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2383 OF 2014

Sunil Daulatrao Khokale	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Mr. Tushar Sonawane, Advocate for the applicant
Mr. D.P.Adsule, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 28th January, 2015.

P.C.

The learned APP Shri D.P.Adsule submits that in the present case, there is suppression of facts and that the applicant has not stated in the memorandum of application that his previous bail application was rejected by Hon'ble Justice A.R.Joshi vide order dated 3.12.2013.

2. The learned counsel for the applicant submits that in fact, there was no intention to suppress the said fact and in ground 'c', it is specifically stated "that the learned Judge i.e. Sessions Judge has committed serious error in rejecting the bail application on the ground that the Hon'ble High Court has rejected the bail on earlier occasion and the ground of parity was also

considered.” The learned counsel submits that he would make appropriate amendment in the memorandum of application. The previous bail application was rejected by Hon'ble Justice A.R.Joshi and, therefore, judicial propriety warrants that the application filed by the present applicant be heard by the same Bench.

3. The learned counsel for the applicant, upon instructions seeks liberty to withdraw the application with further liberty to file a fresh application under Section 439 of Cr.P.C. No Court would be prejudiced by the withdrawal of the present application.

Application is dismissed as withdrawn.

(SMT.SADHANA S.JADHAV, J.)