

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 612 OF 2007

MAYUR RAJENDRA SHROFF AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. K.G. Patil h/f Mr. N.B. Suryawanshi
APP for Respondent: Mr. P.G. Borade
.....

CORAM : V. K. JADHAV, J.
DATED : 5th OCTOBER, 2016

PER COURT:-

1. Learned counsel for the petitioners, on instructions, seeks leave to withdraw this writ petition with liberty to file an application before the Sessions Court for discharge. Learned counsel submits that after filing of charge sheet and after recording statement of the complainant, the learned Magistrate chooses to commit the case to the Sessions court and the petitioners-original accused in that way require to apply for bail afresh before the Sessions Court. Learned counsel thus expresses his apprehension that any adverse order may be passed by the Sessions Court while disposing of the application for bail.

2. Leave granted. Writ petition is disposed of as withdrawn with liberty as aforesaid.

3. So far as the apprehension expressed by learned counsel for the petitioners is concerned, I do not find any substance in it because during pendency of the case before the Magistrate and even crime was registered against the petitioners-accused for the offences punishable under Sections 304, 498-A r.w. 34 of I.P.C. the petitioners were on bail. Learned Sessions Judge will definitely consider the same while disposing of the application for bail.

(V. K. JADHAV, J.)

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