

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 887 OF 2016**

Sunil Kailash Udavant

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Uday P. Warunjikar for the Applicant.

Mrs.A.A.Mane, AGP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI,J.  
DATED : AUGUST 16, 2016.  
IN CHAMBER**

**P.C.**

1. This is an application for bail filed by the aforesaid applicant who is an accused in Sessions Case No. 293 of 2015 pending on the file of the Addl. Sessions Judge No.6 at Nashik for offences under Section 143, 148, 323, 302, 307, 504, 506 IPC r/w. 149 IPC, Section 4 r/w. 25 of Arms Act, and Section 135 of Bombay Police Act. The previous bail application being Criminal Misc. Application No 689 of 2015 filed by the applicant/accused no.6 before the Addl. Sessions Judge 5, Nashik was rejected vide order dated 19.6.2015. The applicant had filed bail application before this Court being

BA/1415/2015, which was withdrawn with liberty to file fresh application after the evidence of witnesses was recorded.

2. Shri Warunjikar, the learned Counsel for the applicant submitted that till date no charge is framed and consequently, no evidence is recorded. He has however, submitted that the C.A. Report which was received in June 2015 was not placed before the Addl. Sessions Judge, No.5 while disposing Cri. Misc. Application No. 689 of 2015. He, therefore, seeks leave to withdraw this application with liberty to file fresh application before the Addl. Sessions Judge at Nashik. In the light of the statement made by the learned Counsel for the applicant, application is allowed to be withdrawn with liberty to the applicant to file fresh application before the Addl. Sessions Judge at Nashik.

3. Application is dismissed as withdrawn. It is made clear that this court has not gone into the merits of the application and the learned Judge shall decide the application on its own merits in accordance with law.

**(ANUJA PRABHUDESSAI, J.)**