

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1983 OF 2016

Vilas @ Ghamaya Vinayak Bachavand and OrsApplicants
V/s.

The State of MaharashtraRespondent

Mr. Bhushan Deshmukh Advocate for the Applicants.

Mr. Prashant Jadhav APP for the State.

Mr. B. U. Padmane, P.S.I. Nandgao Police Station, Nashik (Gramin).

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 6th DECEMBER, 2016.

PC :

1) The learned counsel for the applicants upon instructions seeks liberty to withdraw the application. Liberty as prayed for is granted in the interest of justice.

2) This Court has perused the papers of investigation and it appears that the injuries sustained by the complainant are attributed to original accused no. 1. Kailas. Most of the witnesses have given specific reason for the animosity between Kailas and injured Eknath, however, the learned APP has drawn the attention of this Court to the statement of one of the witness recorded under section 164 of the Code of Criminal Procedure, 1973 which attributes specific role to the applicants.

3) The learned counsel for the applicant has submitted that the applicants had even apprised the police about the said incident, however, the learned APP has pointed out that the application is given to the police after one month of the date of the alleged incident. In view of the statement of the witness under section 164 of the Code of Criminal Procedure, 1973, this Court is not inclined to grant discretionary relief under section 438 of the Code of Criminal Procedure, 1973. However, the learned counsel for the applicants submits that applicants would appear before Judicial Magistrate First Class on 14/12/2016.

4) The learned Magistrate shall consider the application under section 437 of the Code of Criminal Procedure, 1973 without being influenced by the fact that application under section 438 of the Code of Criminal Procedure, 1973 is withdrawn. The learned Magistrate shall decide the application on the same day when the accused appear before the learned court.

5) Applicants stand protected till 5.00 p.m. of 14/12/2016.

6) Application stands dismissed as withdrawn.

(SMT. SADHANA S. JADHAV, J.)