

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.70 OF 2017

Kashinath Kisan Deokate Applicant

versus

State of Maharashtra ... Respondent

Mr. Shivraj Kunchge, Advocate i/b. Raviraj R. Shinde, Advocate
a/w S.R. Kokare, Advocate for the Applicant.

Mr. Sangharaj D. Rupwate, Advocate for the complainant.

Mrs. Rutuja Amekar, APP for the State/Respondent.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 03rd FEBRUARY, 2017.**

P.C. :

1. This earlier application for pre-arrest bail by the applicant/accused was rejected by Additional Sessions Judge, Baramati on 30/12/2016. Interim protection was granted on 13/01/2017. However, in view of the section 14-A (3) of the Amendment in the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, the bail lies against the rejection of bail order. Therefore appeal is to be filed against the

Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act.

2. The learned counsel for the applicant/accused seeks permission to withdraw this application and wants to file appeal. However, he prays that protection granted earlier to continue for two weeks, as he needs time to follow the procedure.

3. I am informed at bar that there is a confusion in the benches as to whether the appeal is to be entertained by the single Judge, who is assigned the criminal appeal matters, or though it is an appeal it is to be entertained by single Judge, who is dealing with the bail or anticipatory bail matters. Registrar Judicial-I is requested to take the necessary orders from the Honourable Chief Justice and accordingly the matter is to be assigned.

4. The learned counsel for the complainant present. As instructed by the original complainant he submits that under

such circumstances he be made respondent No.2 in the said appeal.

5. The learned counsel for the applicant/accused submits that the complainant will be made respondent No.2 and applicant/accused shall serve the memo of the appeal to the learned counsel for the complainant.

6. In view thereof learned counsel for the applicant/accused is allowed to withdraw the application for anticipatory bail.

7. The application for anticipatory bail is dismissed in view of the withdrawal.

(MRIDULA BHATKAR, J.)