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

CRIMINAL BAIL APPLICATION NO.1275 OF 2017

Suraj Balaso Kamble	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.S.Patil, for the Applicant..

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

Police Head Constable – A.M.Dardikar, Gadhinglaj Police Station,
Kolhapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th JULY, 2017

P.C. :

1. At the outset, learned counsel for the applicant submits that although the applicant had filed a Regular Bail Application, the learned Judge has decided the said application as if it were an application for grant of temporary bail for attending the examination.

2. Perused the order dated 12th May, 2017, passed by the learned Additional Sessions Judge, Gadhinglaj. In para 1 of the said

order, it is stated as under:-

“1. This is an application for granting temporary bail for attending the examination by the accused No.1 Suraj Balaso Kambale.”

3. It appears that the said application being Exhibit – 6 has not been considered on merits, despite the fact that the application was for Regular Bail.

4. Accordingly, the impugned order dated 12th May, 2017, passed by the learned Additional Sessions Judge, Gadhinglaj, is quashed and set aside and the matter is remitted back to the trial Court for deciding the said application, being Exhibit – 6, afresh on merits.

5. In view of the quashing of the order dated 12th May, 2017, the Application being Exhibit - 6 is restored to its original file. The learned Additional Sessions Judge shall now decide the said application afresh on its own merits, in accordance with law.

6. It is made clear, that this Court has not considered the aforesaid application on merits.

7. The Application is accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)