

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

B.A. No. 672/2017

(YESH NILAMCHAND BORUNDIYA -vs- STATE OF MAHARASHTRA THROUGH POLICE
STATION OFFICER POLICE STATION WADGAON ROAD, YAVATMAL)

WITH

B.A. No. 673/2017

(YESH NILAMCHAND BORUNDIYA -vs- STATE OF MAHARASHTRA THROUGH POLICE
STATION OFFICER POLICE STATION WADGAON ROAD, YAVATMAL)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Anil Mardikar, Senior Counsel for applicant.
Shri S.J. Kadu, APP for non-applicant/State.

CORAM: S.B. SHUKRE, J.

DATE : AUGUST 21, 2017.

Shri Anil Mardikar, learned Senior Counsel appearing for the applicant in both these applications, on instructions, seeks leave of the Court to withdraw the applications, with liberty to file fresh bail application. He also points out that the learned Division Bench of this Court has directed in Writ Petition No. 637/2016, as mentioned in the last page of the charge sheet (Page No.32) that charge sheet shall not be filed against the co-accused Jacob Joseph Das until further orders.

On going through the last page of the charge sheet, I find that stay granted by the learned Division Bench of this Court operates to the extent of filing of

charge sheet as against the co-accused Jecab Joseph Das and that it does not operate against this applicant in both the Crimes and that is the reason why charge sheet has been filed. Therefore, I do not think that there should be any impediment for the trial court to expedite the disposal of the cases against this applicant by separating his trial from that of the co-accused Jecab Joseph Das.

In view of the above, leave to withdraw both the applications is granted and these are disposed of as withdrawn, with liberty to file fresh bail application before trial court after six months, if the trial of the cases against the applicant is not over.

JUDGE

Yenurkar