

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 233 OF 2018

**DATTA PARVATKAR, PRESENTLY AT
CENTRAL JAIL COLVALE.,**

... Applicant

Versus

**STATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR.,**

... Respondents

**Shri D. Dhond with Shri M. Usgaonkar, Advocates for the
Applicant.**

Shri S.R. Rivankar, Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 21st September 2018

P.C.

Heard for some time.

2. The learned Counsel for the applicant has placed reliance on the decision of the Supreme Court in the case of MOHAN LAL Vs. THE STATE OF PUNJAB, in Criminal Appeal No. 1880/2011, decided on 16.08.2018, in order to submit that in the case of the present nature, the complainant and the investigating officer cannot be the same police officer. It is submitted that in the present case, the complainant and the investigating officer is the same. Evidently, this ground was not pressed for before the learned Sessions Judge, as the judgment came after the application for bail was rejected.

3. In such circumstances, the learned Counsel for the applicant, on instructions, seeks leave to withdraw the

application, with liberty to approach the learned Sessions Judge for bail, based on the decision of the Supreme Court in the case of MOHAN LAL (supra) and in the case of ARIF KHAN @ AGHA KHAN Vs. STATE OF UTTARAKHAND, 2018(5) SCJ 450 and on any other grounds, if available. He submitted that the learned Sessions Judge be directed to decide the application as expeditiously as possible.

4. In such circumstances, the application is dismissed as withdrawn, with liberty to the applicant to approach the learned Sessions Judge for grant of bail, based on the decision of the Supreme Court in the case of MOHAN LAL (supra) and in the case of ARIF KHAN (supra) and on any other grounds, if available. If such an application is filed, the learned Sessions Judge shall decide the same as expeditiously as possible and preferably within a period of two weeks from the filing of the application. Needless to mention that this Court has not expressed any opinion on the merits of the application and the learned Sessions Judge shall decide the application, if filed, on its own merits and without being influenced by the observations made in the order dated 28.02.2018 and in accordance with law.

C. V. BHADANG, J.