

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

CRIMINAL BAIL APPLICATION NO.256 OF 2018

Nilesh Ramesh Sawant	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr.Nitin Sejpai a/w. Mrs.Pooja Sejpai, Advocate for the Applicant.
Mrs.A.A. Takalkar, APP for the Respondent – State.
Mr.Sagvekar, PSI Dongri Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 15, 2018.

P.C. :

This is a second application for bail before this Court. The earlier application was disposed of by order dated 4th August, 2017. The said application was allowed to be withdrawn with liberty to the applicant to prefer a fresh application for bail in the event trial does not commence within a period of six months.

2 It is pointed out that the charge has been framed against the accused on 4th September, 2017, however, not a single witness has been examined by the prosecution, so far. Learned advocate for the applicant submits that the applicant is also

entitled for bail in exercise of powers under Section 437(6) of the Code of Criminal Procedure (Cr.P.C.). It is submitted that the applicant may be granted liberty to prefer an application for bail before the trial Court in accordance with the said provisions.

3 In the aforesaid circumstances, the applicant can prefer a fresh application for bail before the trial Court in accordance with Section 437(6) of Cr.P.C. It is submitted on instructions that, the applicant do not want to press this application with liberty to prefer an application as stated above before the trial Court.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Bail Application No.256 of 2018 is allowed to be withdrawn with liberty to prefer fresh application for bail before the trial Court in accordance with Section 437(6) of the Code of Criminal Procedure;
- (ii) In the event the applicant prefers such application, the same shall be decided by the Court in accordance with law.

(PRAKASH D. NAIK, J.)