

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal WP No. 17 of 2018

Parshuram v. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R. M. Daga, Advocate for the petitioner

CORAM : S. B. SHUKRE, J.

DATED : 10th JANUARY 2018

I have heard this matter for some time. I have also gone through the order passed by the Division Bench of this Court on 4th January 2018 whereby the petitioner has been granted liberty to file separate application under Section 167 (2) Cr. P. C. seeking his release on bail.

It is the contention of learned counsel for the petitioner that the detention of the petitioner in jail is absolutely illegal. That was also an issue raised before the Division Bench in WP No. 1044 of 2017. However, due to subsequent events, the Division Bench was of the opinion that the prayer made in the petition did not survive for its consideration. The Division Bench was also of the opinion that right to seek release on bail under Section 167 (2) Cr. P. C. was still available to the petitioner and accordingly, liberty to file that application was granted to the petitioner. This liberty to file separate application under Section 167 (2) Cr. P. C. was based upon specific contention of the petitioner that his detention in jail was illegal on the grounds taken up in the writ petition.

In view of the above, learned counsel for the petitioner seeks leave of the Court to withdraw the writ petition with liberty to file a separate application under

Section 167 (2) Cr. P. C. accordingly.

Leave to withdraw the petition with liberty, as prayed for, is granted. If such an application is filed before the competent court, the same shall be disposed of at the earliest, in accordance with law.

Judge

joshi