

Anand

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

BAIL APPLICATION NO. 74 OF 2018

Pravin Parshuram Morge .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. P. D. Kavale, Advocate, for the Applicant
Mr. A. R. Kapadnis, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.06.2019

P.C.

. Heard learned counsel for the parties.

2. It appears that the Applicant had preferred an Application seeking his enlargement on bail in this Court, being B. A. No. 1238 of 2017. Vide Order dated 31.10.2017, this Court (Coram : A. M. Badar, J.) passed the following order in the said Application.

“1. The learned advocate for the applicant states that some documents relied by the learned trial court are not supplied to the accused and therefore the applicant/accused had moved an

application before the learned trial court for supply of documents.

2. With this, the learned advocate for the applicant is seeking permission to withdraw the instant application in order to decide several course of action to be taken on receipt of documents from the prosecution.

3. The application is therefore disposed of as withdrawn.”

3. It is not in dispute that when the Applicant's Application for bail was rejected by the Sessions Court vide Order dated 23.11.2016, certain documents were relied upon by the learned APP, which were admittedly not part of the charge-sheet nor were supplied to the Applicant. Thereafter, the Applicant challenged the said order before this Court by filing an Application for bail, being B. A. No. 1238 of 2017, pursuant to which, the aforesaid order was passed by this Court (Coram : A. M. Badar, J.). The Applicant, thereafter, again filed the aforesaid Application i. e. B. A. No. 74 of 2018 seeking his enlargement on bail.

4. It is not in dispute that the Applicant had not received

certain documents even when the aforesaid Application was filed. Hence, this Court vide Order dated 04.06.2019 directed the Registry of the Sessions Court to furnish the documents as sought for by the Applicant, as even the learned APP had no objection for furnishing the documents. Learned counsel informs that the Applicant has now received all the documents as sought for, on 12.06.2019.

5. In view of the same, learned counsel for the Applicant does not press this Application and seeks leave to withdraw the Application with liberty to file a fresh Application in the Sessions Court, in view of the change in circumstances i. e. on the basis of the new documents received on 12.06.2019. The learned APP has no objection, if a fresh Application is filed by the Applicant in the Sessions Court on the basis of the new documents received by the Applicant.

6. Accordingly, the Application is disposed of as withdrawn with liberty as prayed. If a fresh Application is filed by the Applicant in the Sessions Court, on the basis of the new

documents, the learned Sessions Judge shall decide the said Application afresh on its own merits, uninfluenced by the withdrawal of this Application or the earlier Order dated 23.11.2016 passed by the Sessions Court. The learned Judge shall decide the said Application if filed, as expeditiously as possible and preferably within six weeks from the date of filing of the said Application.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)