

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 40 OF 2019

The State of Maharashtra

.....Applicant

Vs.

Bhimraj @ Bhimrao Rohidas Ghadge

....Respondent.

Ms. M.H. Mhatre, APP for the Applicant-State.

Mr. Amit A. Katarnaware for the Respondent.

CORAM : A. S. OKA, AND

A. S. GADKARI, JJ.

DATE : 5th FEBRUARY, 2019.

P.C.:-

Heard the learned APP for the Applicant and the learned counsel for the Respondent.

2 Initially, the learned counsel appearing for the Respondent submitted that he should be heard on the issue of grant of leave and admission of Appeal. However, when a query was made by this Court about any specific legal provision, he concedes that at this stage, the accused has no right of hearing.

3 A case is made out for grant of leave to prefer an Appeal. Leave is granted.

4 Accordingly, Appeal is admitted.

5 There shall be an action under Section 390 of the Code of Criminal Procedure, 1973 against the Respondent. However, the Respondent shall be immediately enlarged on appropriate bail by the concerned Trial Court.

(A.S. GADKARI, J.)

(A.S. OKA, J.)