

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

25 BAIL APPLICATION NO.1357 OF 2020

PANDURANG YASHWANT SHENGAL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Narwade Narayan B.
APP for Respondent-State : Mr. S. P. Deshmukh.
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CORAM : V. K. JADHAV, J.
DATE : 14.12.2020

PER COURT :-

1. I have heard the learned counsel for the applicant for some time.
2. The learned counsel submits that though the Medical Officer has examined the victim, reserved the opinion and sent the samples to the C.A., however, even after receipt of the said report of the C.A., the concerned Medical Officer has not given the specific opinion. The learned counsel submits that in order to find out as to whether any *prima facie* case is made out against the applicant, the clear opinion of the Medical Officer is necessary. The learned counsel thus, submits that the applicant may be granted liberty to file an application after the

final opinion, if given by the Medical Officer.

3. It appears that even after the receipt of the C.A. reports, no final opinion has been given by the concerned Medical Officer. It further appears that the Trial Court has not dealt with this aspect specifically.

4. The learned counsel for the applicant, on instructions, seeks leave to withdraw this application with liberty to the applicant to file an application for regular bail before the Trial Court afresh.

5. Leave granted.

6. Application is disposed off as withdrawn. The applicant is at liberty to file an application for regular bail before the Trial Court afresh and, upon filing such an application, it is for the Trial Court to consider the same on its own merits. Needless to say that the question of absconding of the applicant for a substantial period would also be the part to be considered while deciding the application afresh.

(V. K. JADHAV, J.)

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vmk/-