

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 APPLICATION FOR CANCELLATION OF BAIL NO.57 OF 2021

MAROTI MUKUNDA UDMALE
VERSUS
VINAYAK BHAGWAN GADKAR AND OTHERS

...
Advocate for Applicant : Mr. Adate Malhari and Gunale V.D.
APP for Respondent No.3-State : Mr. A. M. Phule.
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 24-03-2021.

ORDER :

1. Learned Additional Public Prosecutor points out that the offence that is registered against the present applicants is under Section 327, 452, 324, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code and under Section 3 (1) (r), 3 (1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Since the offence under the Atrocities Act have been registered, the applicant cannot come under Section 439 (2) of Code of Criminal Procedure before this Court, but then Section 14-A of the Atrocities Act would be maintainable.
3. The learned Advocate for the applicant prays for allowing him to file the appeal and withdrawal of this application.

4. It will not be out of place to mention here that the conversion of this petition / application to appeal cannot be allowed and, therefore, he will have to file a separate appeal. Hence, applicant is allowed to withdraw this application.

5. In view of above, application stands disposed of as withdrawn.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-