

PMB

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

BAIL APPLICATION NO.6 OF 2020

Shahrukh Rajjak Sheikh .. Applicant
vs.

The State of Maharashtra .. Respondent

Mr. Ritesh Thobde a/w Alisha Pinto I/b. White and Brief Advocates
and Solicitors for the Applicant.

Mr. N.B. Patil, APP for the State.

CORAM : M.S.KARNIK, J.

DATE : SEPTEMBER 28, 2021

P.C.:-

After arguing the matter for some time, my attention is invited to the order passed by the learned trial Court. It is the contention of learned counsel for the Applicant that out of 10 accused, 9 accused have been released on bail. He submits that the role of the Applicant is similar to that of the other accused who have been granted bail. Inviting my attention to the order of the trial Court, learned counsel pointed out that when the matter was argued before the trial Court, some of the orders in respect of the co-accused who have been granted bail on the basis of which Applicant claims parity could not be placed for consideration before the trial Court.

2. In this view of the matter, he prays for withdrawal of the application with liberty to approach the trial Court. In the event, a fresh application for bail is filed, considering that the Applicant is in custody since 02.11.2017 and further on production of the orders in respect of Bail granted to co-accused, the trial Court to consider the application afresh on its own merits and in accordance with law without being influenced by the observations made in the earlier order rejecting the bail. It is made clear that even the contention that MCOCA is not applicable in the instant case is left open for the Applicant to agitate before the Sessions Court. All contentions to be considered on its own merits.

3. I may not be understood to have expressed any opinion on the contentions raised by the parties. With the aforesaid liberty, the Application is allowed to be withdrawn.

4. In the event, the application is filed within two weeks from today, the trial Court is requested to decide the application expeditiously and preferably within a period of eight weeks from the date of the filing of the application.

5. The Bail Application is disposed of.

(M.S. KARNIK, J.)