

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 135 OF 2021

Sanket Waman Hadap & Ors.

... Appellants

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Ganesh Gupta for Appellants.

Mr.Amit Palkar, A.PP. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.

DATE : 11th February 2021.

PC. :

By the present Appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, “the S.C. & S.C. Act”), the appellants have impugned Order dated 29th January 2021, thereby rejecting the ad-interim application filed below Exhibit-5 in Criminal Bail Application No. 81 of 2021, by the learned Additional Sessions Judge, Panvel-Raigad.

2. The substantive application for pre-arrest bail under Section 438 of the Code of Criminal Procedure is pending for final adjudication before the Trial Court. Propriety therefore demands that, unless and until the Trial Court decides the said application, it will not be appropriate for this Court to adjudicate the issue involved therein.

3. In view thereof, the appellants are permitted to withdraw the present appeal with liberty to pursue Criminal Application No. 81 of 2021 pending on the file of Additional Sessions Judge, Panvel-Raigad.

As the Trial Court has rejected the application of the appellants for grant of ad-interim relief, it is desirable that the learned Additional Sessions Judge seized of Criminal Application No.81 of 2021 to expedite the hearing of the said appeal and conclude it on the next date of hearing. It has been informed that, the next date of hearing scheduled by the Trial Court is 17th February 2021. The learned Additional Sessions Judge is therefore requested to make an endeavour to conclude the hearing of the said application on that day itself.

4. The appellants are directed to produce copy of present Order before the concerned learned Additional Sessions Judge, Panvel-Raigad.

5. Appeal is disposed off in the aforesaid terms.

[A.S. GADKARI, J.]

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