

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

CRIMINAL BAIL APPLICATION NO.929 OF 2020

Milind Balkrushna Kini
versus
State of Maharashtra

.... Applicant

.... Respondent

.....

- Mr.Ajit Kenjale, Advocate for Applicant.
- Ms.Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th MARCH, 2021

P.C. :

1. Learned counsel for the Applicant prays for withdrawal of this application. In this matter, certain things have transpired which are not approved by this Court. The Applicant had preferred this application before this Court, which was pending. In the meant time, the Applicant filed Bail Application u/s 437 of Cr.P.C. before Judicial Magistrate First Class, Mahabaleshwar. During the course of argument in that Court it was pointed out that this application is pending before this Court and yet the learned Magistrate entertained the bail application before him and rejected it.

2. This is in gross violation of judicial discipline. This Court strongly disapproves such course of action adopted by Judicial Magistrate First Class, Mahabaleshwar. In any case, that application was rejected. Therefore, the Applicant now can approach Court of Sessions, for his release on bail. If such application is filed, it shall be decided by the Court of Sessions without being influenced by the withdrawal of this application.

3. Hence, the following order :

ORDER

- (i) The application is allowed to be withdrawn.
- (ii) A copy of this order shall be sent to the Judicial Magistrate First Class, Mahabaleshwar, who had passed order in the bail application preferred by the accused u/s 437 of Cr.P.C.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)