

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) 699 OF 2021

(Swapnil Shankarrao Ramteke..vs..State, thr PSO, PS Wathoda, Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. M.N. Ali, counsel for applicant.
Mr. N.R. Rode, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:20.08.2021.

Heard.

2. The brother of the accused has filed an affidavit stating that he has not instructed the learned counsel appearing in the trial Court to prefer a bail application.

3. On the other hand, it appears from the report submitted by the learned Principal District & Sessions Judge that the statement of the learned counsel appearing in the trial Court was recorded and the learned counsel stated that the bail application preferred before the trial Judge was on the instructions of the brother of the accused.

4. As the situation stands, while the brother of the

accused has filed an affidavit stating that he did not instruct the counsel, the counsel appearing in the trial is asserting exactly to the contrary.

5. It would not be necessary to resolve the factual controversy since the learned counsel who appears in the trial Court is personally present and he assures that the bail application preferred in the trial shall be withdrawn today so that this application can be heard on merits. Accordingly, I heard Mr. M.N. Ali on merits.

6. I was not inclined to grant bail, at least at this stage.

7. Mr. M.N. Ali, the learned counsel seeks leave to withdraw the application with liberty to approach this Court afresh if there is no progress in the trial in the next eight months.

8. The application is disposed of, as withdrawn, with liberty as prayed.

Judge