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

BAIL APPLICATION NO. 294 OF 2021

Mr. Sadique Mohammad Akhtar Khan ..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Raj Dali a/w Ms. Prajakta Jagtap h/f Mr. Pankaj Kavali,
for applicant.

Ms. P.N.Dabholkar, APP for respondent-State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 21, 2022

P.C. :

1. The matter was argued for some time. This is a 2nd application for bail. First application for bail was withdrawn on 08/03/2019. It is the contention of the learned counsel for the applicant that the applicant was arrested as far back as on 11/12/2016 and he is in custody for more than 5 years and 11 months. According to learned counsel for the applicant, this is a long incarceration for which the applicant deserves to be released on bail, considering that offences against him are under section 394 of IPC where maximum

punishment can be imposed is imprisonment for life or with rigorous imprisonment for a term which may extend to ten years. Learned APP invited my attention to the affidavit-in-reply filed by the Investigating Officer. As many as 27 offences are registered against the applicant. Details are listed in the chart which is produced in affidavit-in-reply. Learned counsel for the applicant submitted that the prosecution proposes to examine as many as 15 witnesses and there is no likelihood of the trial proceeding as up till now only charge has been framed sometime in October 2022 after filing this bail application.

2. After arguing the matter for some time and upon my indicating the serious nature of the offence, learned counsel for the applicant on instructions sought leave to withdraw the application.

3. The bail application is allowed to be withdrawn. Liberty to the applicant to file an application for bail after six months should the trial not make substantial progress. Allowed to be withdrawn.

(M. S. KARNIK, J.)