

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1132 OF 2022

Digitally
signed by
SHRADDHA
KAMLESH
TALEKAR
Date:
2022.04.26
12:01:24
+0530

Eknath @ Nitin Laxman Bombdekar ...Petitioner
Vs.

1. The State of Maharashtra
& Anr. ... Respondents

Ms.Rashmi Gawade for petitioner.

Mr. S.R. Aagarkar, APP for respondent No.1-State.

PSI Tanaji Patil, Vanrai Police Station, Mumbai.

CORAM : N. J. JAMADAR, J.
DATE : 20th APRIL, 2022

P.C.:

1. Heard the learned counsel for the petitioner and the learned APP for the State.

2. The limited grievance in this petition is that the bail application of the petitioner is not being heard for want of forensic science report. The petitioner has, thus, prayed that the learned Sessions Judge be directed to hear the Bail Application No. 632 of 2021, *sans* forensic science report.

3. The learned counsel for the petitioner invited the attention of the Court to the order dated 4th October 2021 in Bail Application No. 632 of 2021, which was withdrawn by the petitioner-applicant.

While granting withdrawal, it was further directed that the report

of the Forensic Science Laboratory be submitted expeditiously and once as the report is received, the petitioner is at liberty to move for bail afresh before the trial Court.

4. The learned counsel for the petitioner submits that for want report of the Forensic Science Laboratory, the petitioner's valuable right of being heard on the prayer for bail is negated. The learned APP, on instructions from the officer, who is present in the Court, submits that the Forensic Science Laboratory had sought certain clarifications from the Investigating Officer, and the same have been furnished. The report is expected to be filed within a period of three weeks.

5. In view of the aforesaid submissions, the petition stands disposed with a direction to the Investigating Officer to procure and file the Forensic Science Laboratory report within a period of three weeks.

6. In the event the report is not filed, during the said period of three weeks, the condition that upon receipt of the report of the Forensic Science Laboratory, the petitioner will be at liberty to move for bail afresh as per the order dated 4th October 2021, stands released and the trial court shall consider the prayer for

bail, without insisting for the report of Forensic Science Laboratory.

7. Petition accordingly stands disposed.

(N. J. JAMADAR, J.)