

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (BA) NO.852 OF 2022**

Suraj @ Viccky S/o Dilip Kolhe .Vs. State of Maharashtra, through P.S.O., P.S.  
Pulgaon, Tah. Deoli, Dist. Wardha and another

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

Shri S.U. Bhuyar, Advocate for the applicant.

Shri S.M. Ghodeswar, A.P.P. for the non-applicant No.1/State.

Ms. J.P. Junghare, Advocate for the non-applicant No.2/Victim.

**CORAM : ANIL S. KILOR, J.**

**DATED : 05/09/2022**

1. The applicant is seeking bail in Crime No.333 of 2021, dated 24.04.2021, registered with Police Station Pulgaon, District: Wardha, for the offence punishable under Section 377 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri Bhuyar, learned counsel for the applicant submits that the applicant is in jail from last more than one year and as the investigation is completed, custodial interrogation of the applicant is no further required. Accordingly, he prays for grant of bail.

3. On the other hand, Shri Ghodeswar, learned APP strongly opposes the present application and submits that the request for grant of bail was considered by this Court on merit and when this Court has expressed disinclination to grant bail, the application was withdrawn by the applicant.

4. It is submitted that there are no change in circumstances, after the withdrawal of the first application. Accordingly, he submits that this Court may not grant bail to the applicant.

5. Ms Junghare, learned counsel for the non-applicant No.2/victim reiterates the submission of the learned APP and prays for rejection of the present application.

6. I have perused the application and the charge-sheet.

7. This Court on 07.12.2021, after hearing the learned counsel for the applicant and on perusal of the charge-sheet was about to dismiss the application, the learned counsel for the applicant thereupon, sought to withdraw the application, accordingly, the permission was granted.

8. After the withdrawal of the said application, there are no change in circumstances and no additional material in support of the present application which was not filed along with the earlier application is brought on record,. In the circumstances, I am not inclined to grant bail to the applicant. However, considering the period of incarceration of the applicant, liberty is granted to the applicant to move afresh, in case, there is no progress in the trial, in next six months.

The criminal application is **rejected**.

[ANIL S. KILOR, J.]