

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

CRIMINAL APPEAL NO. 2 OF 2023

Kumar Vishwanath Kusalkar & Anr.	..Appellants
Versus	
The State of Maharashtra	..Respondent

Mr. Sachin Thorat a/w. Ashok Janras for Appellants.
Mr. S. R. Agarkar, APP for State/Respondent

CORAM : SARANG V. KOTWAL, J.
DATE : 5 JANUARY 2023

PC :

1. The Appellants have challenged the order dated 14/12/2022 passed by learned Additional Sessions Judge, Baramati in Criminal Bail Application No.1510 of 2022. In effect, the Appellants are seeking their release on bail in connection with C.R.No.310 of 2022 registered at Bhigwan police station, under sections, U/s.326 and 324 r/w. 34 of the I.P.C. and under sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Appellants were arrested on 25/11/2022 and since then they are in custody. It appears that, they are in Judicial custody.

2. Learned APP states that the investigation is almost over and the Investigating agency is in the process of filing the Charge-sheet. Since, learned APP has stated that the charge-sheet will be filed shortly within one week, learned counsel for the Appellants does not press this Appeal, at this stage. He seeks permission to withdraw this appeal with a liberty to approach the trial Court for their release on bail.

3. Considering this request, the Appeal is allowed to be withdrawn with liberty to the Appellants to approach the Special Court for their release on bail. If such application is preferred with advance notice to the complainant, it shall be decided at the earliest without being influenced by rejection of their earlier bail application.

4. With these observations, the Appeal is disposed of.

(SARANG V. KOTWAL, J.)