



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

BAIL APPLICATION NO. 36 OF 2023

AARSALAN ALI AHMED ANSARI ..APPLICANT
VS.
STATE OF MAHARASHTRA ..RESPONDENT

Mr. Shrikant Rathi a/w Mr. Naushad Sayyed, for the applicant.
Ms. Shazia Bano Mohammad Shoeb, for Respondent No.2.
Mr. N. B. Patil, APP for the State.
PSI- N.K. Sonawane, Bhiwandi Police Station, Thane is present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 15, 2023

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** Learned counsel for the applicant seeks leave to withdraw the application.
- 3.** The applicant is in custody for more than three and half years.
I am informed that the matter is listed before the trial Court for recording evidence. The trial Court is requested to record the deposition of the child witness in terms of section 35(1) of the Protection of Children from Sexual Offences Act, 2012 ('POCSO', for short) as early as possible considering the mandate of section 35(1)

in view of the fact that the applicant is in custody for more than three and half years.

4. The bail application is allowed to be withdrawn with liberty to the applicant to apply for bail after the deposition of the child witness is recorded by the trial Court in terms of section 35(1) of the POCSO Act or after six months whichever is earlier.

5. The order to be passed the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)