

SA Pathan

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

BAIL APPLICATION NO.146 OF 2023

Karansingh Rajputshingh Dudhani	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Anshuman R. Asara a/w. Mr. Salman Pathan for the Applicant.

Mr. Amit Palkar, APP for the State – Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 5, 2023

P.C.:

1. The Applicant is seeking bail under Section 167 (2) of the Code of Criminal Procedure. The record indicates that the Sessions Judge has already rejected the Application under Section 167 (2) of the Code of Criminal Procedure (for short 'Cr.P.C.'). Unlike Section 439 of Cr.P.C. power under Section 167 (2) of Cr. P.C. is not concurrent. Therefore, appropriate remedy for the Applicant is to challenge on exercising power of the Sessions Court before this Court by way of an appropriate proceedings. Faced with such difficulty, the Advocate for the Applicant seeks permission to withdraw the Application with liberty to adopt appropriate proceedings in accordance with law.

2. The Application is disposed of as withdrawn with liberty to obtain appropriate proceeding. Needless to state that the Applicant shall have benefit of pendency of present Application while

considering the Application for condonation of delay, if any, filed in appropriate proceeding.

3. The Application stands disposed of.

(AMIT BORKAR, J.)