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

BAIL APPLICATION NO.296 OF 2023

AMINA KHATUN @ BABY ROKIKANTA DAS
@ BABY LASHKAR JHA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Sahana Manjesh i/b. Adv. Kritika Agarwal for the
applicant.

Ms. Rutuja Ambekar, APP for the State-respondent No.1.
Adv. Rucha Vaidya for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 27, 2023.

P.C. :

1. Learned counsel for the applicant on instructions seeks leave to withdraw this application with liberty to file a fresh application after six months or after the evidence of the child witness under Section 35(1) of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) is recorded by the trial Court, whichever is earlier.

2. Considering that the applicant is in custody for almost two years, in the facts and circumstances of the present case the trial Court is requested to record the evidence of the child witness in view of the mandate of Section 35(1) of

the POCSO Act preferably within a period of three months from the date when this order is placed before the trial Court.

3. The application is allowed to be withdrawn with liberty as prayed for and disposed of accordingly.

4. I appreciate the assistance rendered by Ms. Rucha Vaidya, learned Advocate, who appeared on behalf of respondent No.2 in this proceeding. Learned advocate may be paid the fees as prescribed by the Legal Aid Services Authority or if not prescribed, the same is quantified at Rs.5000/-.

(M. S. KARNIK, J.)