

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 538 OF 2023
IN
BAIL APPLICATION NO. 1845 OF 2022**

Devendra Vasant Sutar ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Tejas Hilage for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 10 FEBRUARY 2023

P.C. :-

This is an application for restoration/recalling the order passed by this Court dated 13 January 2023 in Criminal Bail Application No. 1845 of 2022. The said order reads thus:

“ This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 1069 of 2019 registered at Lonikand Police Station, Pune for the offences punishable under Sections 363, 376,305 of Indian Penal Code, Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i) (ii) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. None for the applicant. I have heard the learned APP for the State.

4. The applicant is seeking bail inter-alia for the offences punishable under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. As under the Said Act, an appeal is provided against the order of rejection of bail application by the Special Court. I am not inclined to entertain the present application. Hence, the following order is passed:

(i) Application is rejected.”

2. The learned counsel for the applicant submits that formal liberty be granted to file appeal. Though, the bail application was not entertained on that ground only, liberty is granted to the applicant to file appeal.

3. Interim Application is disposed of.

(N.R. BORKAR, J.)

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