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

BAIL APPLICATION NO.440 OF 2023

RAMVILAS DILRAJ YADAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Akshay Shah i/b. Adv. Shashi Singh for the applicant.
Mr. P. H. Gaikwad, APP for the State.
Adv. Saili N. Dhuru for the complainant.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 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 three 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 more than five years, 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 expeditiously and preferably within a period of three months from the date

when this order is placed before the trial Court for its consideration.

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 The application is allowed to be withdrawn with liberty as prayed for and disposed of accordingly.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. Saili N. Dhuru, learned Advocate, who appeared on behalf of the complainant 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.)