



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

BAIL APPLICATION NO. 778 OF 2023

VIJAY VILAS MOHITE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Satyam Nimbalkar a/w Adv. Abhishek Arote for the Applicant.

Adv. Pushpalata B. Khot for Respondent No.2.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 03, 2023

P.C. :

1. Learned counsel for the applicant, on instructions, seeks leave to withdraw the present application with liberty to apply afresh after three months.

2. Considering that the applicant is in custody since 22/04/2022 and in the facts and circumstances of the present case, the trial Court is requested to record the evidence of the child witness in terms of the mandate of Section 35(1) of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) within the period of 3

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

3. Learned counsel for the applicant to place this order before the trial Court for consideration.

4. The application is allowed to be withdrawn with liberty as prayed for or after the evidence of the child witness is recorded in terms of the mandate of Section 35(1) of the POCSO Act, whichever is earlier.

5. The application is disposed of in the above terms.

(M. S. KARNIK, J.)