



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1754 OF 2022

Gorakh Baburao Mhatre

...Applicant

vs.

State of Maharashtra and Anr.

...Respondents

Ms.Sana Shaikh – Advocate for Applicant.

Mr.S.R.Agarkar – APP for Respondent No.1 – State.

Mr.Swapnil Ovalekar – Appointed Advocate for Respondent No.2.

CORAM : S. M. MODAK, J.

DATED : 11TH AUGUST 2023

P. C. :

1. Heard learned Advocate for the Applicant, learned Advocate for the First-Informant and learned APP

2. I have already heard all of them. The submissions are recorded in the order dated 7th July, 2023. Earlier, my opinion was expressed in Para No.7. Thereafter, time and gain, the matter was adjourned for going through the statement of the victim under Section 164 of the Code of Criminal Procedure, 1973 [“Cr.P.C.”]. Today, learned APP has produced copy of that statement. It is given to learned Advocate for the Applicant.

3. On the basis of that, she argued about variances in that

statement and statement under Section 161 of Cr.P.C. After hearing at great length, when this Court has expressed an opinion that this Court is not inclined to grant him bail, learned Advocate for the Applicant seeks liberty to withdraw the Application.

4. Hence, Application is disposed of as withdrawn.

5. The Applicant is behind bar since August-2021. Yet the trial has not started. Hence, if there is no progress for six months, the Applicant is at liberty to apply again.

6. Copy of this order be informed to the concerned Court with direction to frame a charge as early as possible. The Applicant is at liberty to pray for copy of a report of Forensic Laboratory and the Prosecution to supply a copy.

[S. M. MODAK, J.]