



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

BAIL APPLICATION NO. 2323 OF 2023

VISHNU @ DEVA BHAGOJI KATE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Kuldeep Nikam for the Applicant.

Adv. Uttam Dubey for Respondent No.2.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 01, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the State.
- 2.** Learned counsel for the applicant, on instructions, seeks leave to withdraw the present application.
- 3.** Considering that the applicant is in custody for more than 2 years, the trial Court is requested to record the evidence of the child witness expeditiously in terms of the mandate of Section 35(1) of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

4. The applicant is at liberty to apply for bail after 3 months 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 The application is allowed to be withdrawn with liberty and disposed of accordingly.

6. I appreciate the valuable assistance rendered by Advocate Uttam Dubey, who appeared on behalf of respondent No.2 in this proceeding.

(M. S. KARNIK, J.)