

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

**CRIMINAL APPEAL NO. 1192 OF 2019**

|                                 |               |
|---------------------------------|---------------|
| Mukesh Bachubhai Kanani         | ..Appellant   |
| Versus                          |               |
| The State of Maharashtra & Anr. | ..Respondents |

Mr. Ashutosh Gaikwad i/b. Apex Law House for Appellant.  
Smt. M. R. Tidke, APP for State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.  
DATE : 17 FEBRUARY 2023

PC :

1. In this case the appellant has challenged the order passed by learned Additional Sessions Judge, Greater Bombay in A.B.A.No.1446 of 2019 dated 23/08/2019 thereby rejecting the appellants prayer for anticipatory bail. In effect, the appellant is seeking anticipatory bail in respect of C.R.No.29 of 2019 registered at Mahim police station U/s.3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and U/s.504 and 506 of the I.P.C.

2. Learned APP has tendered a report showing that the police have filed 'A Summary' report before the Trial Court. There

is clear averment in that report that, there was no evidence found against the appellant. The report is taken on record and marked 'X' for identification. In view of this report, learned counsel for the appellant seeks withdrawal of this appeal with liberty to approach the Court again in case 'A summary' is not accepted by the Trial Court. The request is reasonable.

3. The Appeal is allowed to be withdrawn with liberty to the appellant to take appropriate remedies in case the 'A summary' is not accepted by the Trial Court. In such eventuality, the investigating agency shall give four clear working days notice to the appellant to enable him to take appropriate steps in accordance with law.

4. With these observations, the appeal is allowed to be withdrawn and is disposed of.

**(SARANG V. KOTWAL, J.)**