

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3761 OF 2022**

Ketan Bhikubhai Patel] .. Applicant

vs.

The Union Territory of Daman & Diu & Anr.].. Respondent

Mr.Aabad Ponda, Senior Advocate a/w Shweta Rathod i/b Elixir Legal Services for the Applicant.

Mr.Hitesh Venegaonkar a/w Harsh Dedhia for Union Territory of Daman & Diu.

CORAM : BHARATI DANGRE, J

DATE : 2nd March, 2023.

P.C.

1] On 26.08.2021, the Bail Application filed by the Applicant was rejected by the Court on merits, which made the applicant to approach the Hon'ble Apex Court.

2] On 07.10.2021, the Apex Court refused to grant any indulgence and dismissed the Special Leave Petition, however, had left the window open to the applicant to approach the Sessions Court after the charges are framed and the Application was directed to be considered on merits.

3] Accordingly the Applicant has moved before the Court pursuant to the charges being framed and this Court headed by Justice N.R.

Borkar, on 07.02.2023 expressed that it would be appropriate if the application is heard by the same Court which had earlier rejected the Bail Application on 26.08.2021 and that is why the Application appeared before me.

4] On perusal of the order passed by the Apex court, it can be clearly seen that the Apex Court granted liberty to the Applicant to approach Sessions Court on framing of charge and I deem it appropriate that the Applicant shall also follow the pursuit as directed by the highest Court.

5] On being so expressed, the learned senior counsel Mr. Ponda representing the Applicant seek permission to withdraw the Bail Application with liberty to take recourse, as suggested in the order.

In the wake of above the Bail Application stand disposed off as withdrawn with liberty as prayed for.

[BHARATI DANGRE, J]