

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.1257 OF 2022

Dattatray s/o Shrikrushna Shejole

Vs.

The State of Maharashtra Through Police Station Officer Police Station Khamgaon,
District Buldhana and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Counsel for applicant.

Mr. A. M. Kadukar, APP for respondent No.1/State.

Mr. C. A. Joshi, Counsel for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/06/2023

1. The present application is filed by the applicant/accused for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.437/2021 registered with Police Station, Khamgaon for the offence punishable under Section 376(AB), 504, 366, 506 of the Indian Penal Code and 4, 6, 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. The applicant/accused is arrested on 15.12.2021.

2. Learned Counsel Mr. Sirpurkar for the applicant submitted that the applicant initially was released on bail by the Sessions Court by passing order on 01.01.2022. However, the bail granted is cancelled by this Court in Criminal Application (APPLN) No.26/2022. I have perused the order passed by this Court wherein it

is observed that the victim in this case is 7 years old girl and the offence was registered under Section 376, 504 of the Indian Penal Code and under Section 4, 6, 7 and 8 of the Protection of Children from Sexual Offences Act against the present applicant. The allegation made in the FIR is serious and the medical report of the victim *prima facie* supports the case of the prosecution. This Court has further observed the finding of the Hon'ble Apex Court in the case of **P. Chidambaram Vs. Central Bureau of Investigation (2020) 13 SCC 337** and cancelled the bail granted to the present applicant.

3. Learned Counsel Mr. Sirpurkar for the applicant fairly submitted that said order is not challenged by the present applicant before the Hon'ble Apex Court and sought permission to withdraw the said application with liberty to file afresh, if the trial is not commence within the six months.

4. Considering the submissions made by the learned counsel, he is permitted to withdraw the application with liberty to file afresh, if the trial is not commence within six months.

5. Criminal Application is disposed of, as withdrawn.

(URMILA JOSHI-PHALKE, J.)