



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1256 OF 2024

Sainath Dilip Kusalkar

....Petitioner

VERSUS

The State of Maharashtra

.....Respondent

.....

Mr. Vikhe Pratap B., Advocate for the Petitioner

Mr. N. R. Dayma, APP for Respondent - State

.....

**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 22.07.2024

PER COURT :

1. The Petitioner has prayed for directions to the learned Additional Sessions Judge, Rahata to decide his Criminal Bail Application No.55/2024, which arises out of FIR No.162/2024 registered with Shirdi Police Station for the offence punishable under Sections 326,323, 504 and 506 read with Section 34 of IPC.

2. It is submitted by the learned Advocate for the Petitioner that since Anticipatory Bail Applications of two co-accused are pending before this Court, the said Court is not deciding the Application of Petitioner, which is for Regular Bail. He points out to Page No.34, which is the order passed by the said Court:

“In view of undisputed fact that a bail application of two co-accused is pending before Hon’ble High Court Bombay Bench at Aurangabad. Therefore, judicial discipline and propriety shall require this court to wait till the outcome of the co-accused’s Bail Application before the Hon’ble High Court.”

3. Admittedly, the Application of the Petitioner before the said Court is for Regular Bail. Without commenting on the said order passed by the Sessions Court, we direct the learned Additional Sessions Judge, Rahata to take up the Petitioner's Bail Application No.55/2024] for hearing and dispose of the same, in accordance with law within a period of two [2] weeks on merit.

4. Learned APP for Respondent – State is present.

5. In view of the above, Writ Petition is disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer