



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2052 OF 2023

Limbaji Dhondiram Ghodke
And Another

...Applicants

VERSUS

The State Of Maharashtra

....Respondent

....

Mr. U. B. Deshmukh, Advocate for Applicant

Mr. S. V. Hange, APP for Respondents

...

CORAM : R.M. JOSHI, J

DATE : JANUARY 29, 2024

PER COURT :

1. Learned APP seeks accommodation for want of instructions and investigation papers.

2. Order was passed by this Court on 22.01.2024 accommodating learned APP on the same ground. It was clarified then that if the accommodation is sought on the same ground, the same shall not be entertained. Failure on the part of Investigating Officer to provide investigation papers to the learned APP indicates that he is not interested in opposing application. Since charge-sheet is filed, this Court finds no reason to give accommodation. Hence, application is taken up for

hearing.

3. Learned Counsel for the Applicants, on instructions, seeks withdrawal of the application with liberty to file fresh application before Sessions Court. It is his submission that out of inadvertence filing of earlier application was not brought to the notice of Sessions Court.

4. Order passed by learned Sessions Court indicates that non disclosure of rejection of previous application weighed mind of the Court. The explanation provided by Applicant about inadvertence is accepted. Sessions Court to decide Bail Application after ignoring this fact. Order be passed by considering the relevant material placed on record. All contentions of rival parties are kept open.

5. Application stands dismissed as withdrawn with liberty as prayed for.

(R. M. JOSHI, J.)

Malani