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

BAIL APPLICATION NO.330 OF 2024

SANDIP RAMBAHADUR NISHAD

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vinod Kashid for the applicant.

Mr. S. H. Yadav, APP for the State.

API – C. B. Bagul, Ulhasnagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 2, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is a second application for bail in respect of the offence punishable under Sections 302, 511 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 17.06.2019 vide C.R. No.I-241 of 2019 with Ulhasnagar Police Station.

3. Learned counsel for the applicant submits that the first bail application was rejected on 16.02.2023 on merits. It is submitted that there is no progress in the trial. The

applicant was arrested on 18.06.2019. It is submitted that the applicant is now in custody almost for a period of four years and eight months. It is submitted that even the charge is not framed. Learned counsel for the applicant, on instructions, seeks leave to withdraw this application with liberty to apply for bail after six months if the trial does not progress substantially.

4. Considering that the applicant is in pre-trial custody almost for a period of four years and eight months, I am inclined to observe that if the trial does not progress substantially in the next six months, the applicant is granted liberty to apply for bail after six months.

5. The application is allowed to be withdrawn with liberty as prayed for and disposed of accordingly.

(M. S. KARNIK, J.)