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Uday S. Jagtap

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

CRIMINAL BAIL APPLICATION NO. 1354 OF 2022

Prashant @ Sonya Ramesh Sabale

.. Applicant

Vs.

The State of Maharashtra & Anr.

.. Respondents

.....
Mr. Mahendra Kawchale a/w Premkumar N. Mishra and Satish
Hargude for the applicant
Mr. Ashish Satpute, APP for the respondent – State
Mr. V.S. Kedar, PSI, Lonikand Police Station present
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 26th FEBRUARY, 2024.

P.C.

1. In view of the statement made by Adv. Kawchale as noted in para 10 of the order dated 23rd February 2024, he has placed photostat copy of Vakalatnama of one Adv. Milind D. Shivankar (Sanad No. Mah/933/1991 dated 22.07.1991) to whom Adv. Kawchale has given “No Objection” dated 14.04.2022 in good faith that Adv. Milind Shivankar would appear before this Court and

withdraw the application for bail. It seems that Adv. Milind Shivankar did not do anything.

2. The second Bail Application before the Additional Sessions Judge, Pune appears to have been filed, thereafter, on 2nd May 2022 and the Special Court, after hearing the Counsel, granted bail to the accused on 10th June, 2022.

3. Adv. Kawchale has also placed on record an affidavit of one Sangita Ramesh Sabale – mother of the applicant in support his contention. The affidavit of Sangita R. Sabale indicates that Adv. Milind Shivankar informed her that the application which was pending in this Court has been withdrawn which appears to be factually incorrect. As a matter of fact, Adv. Kawchale ought to have taken precaution in ensuring that the application filed in this Court has been withdrawn.

4. As such, it seems to be a *bona fide* mistake on the part of Adv. Kawchale and, therefore, he cannot be blamed for misleading this Court.

5. This Court has cancelled the bail of the applicant *inter alia*

directing him to surrender before the Principal District Judge, Pune on 24th February 2024 at 11.00 a.m. The order of cancellation of bail is revoked and the applicant be released forthwith, if taken into custody.

6. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)