



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.48 OF 2024

Datta @ Dattu Laxman Rathod ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Ms. Vilasini Balsubramanian i/b. Mr. Jaydeep D. Mane, Advocates,
for the Applicant.
Ms. Veera Shinde, AP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 18th MARCH 2024

PC:-

1. This matter was placed before this Court on 5th January 2024 and on that day, a request was made by Ms. Balsubramanian, learned Counsel for the Applicant to allow conversion of Criminal Bail Application to an Appeal. Accordingly, after conversion of the Bail Application into an Appeal, a learned Single Judge (Coram: M.S .Karnik, J.) by order dated 14th February 2024 issued notice to the Respondent No.2. Thereafter, the matter appeared before a learned Single Judge on 5th March 2024 and the same was kept on 11th March 2024 to ensure the compliance of order dated 14th February 2024.

2. However, on 11th March 2024, a learned Counsel appearing for the Applicant pointed out to the learned Single Judge (Coram:

M. S. Karnik, J.) the decision in the case of *Suraj S. Paithankar vs. State of Maharashtra*¹ and contended that the Bail Application is maintainable. Accordingly, again the matter was mentioned before this Court. In view of the said decision, order dated 5th January 2024 is recalled and Bail Application No.24 of 2024 is restored to the file.

3. Learned Counsel for the Applicant to carry out necessary amendment.

4. Ms. Shinde, learned APP states that pursuant to order dated 14th February 2024 of learned Single Judge, the Respondent No.2 has been served and the Respondent No.2 has intimated to the Investigating Officer that an Advocate through the High Court Legal Services Committee, Mumbai may be appointed.

5. Accordingly, Ms. Sakshee P. Chavan, learned Advocate is appointed to represent the Respondent No.2.

6. Stand over to 26th March 2024. To be listed high on board.

[MADHAV J. JAMDAR, J.]

¹ 2020 SCC Online Bom 11696