



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.884 OF 2024
(Nilesh s/o Harishchandra Mutkure Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.D. Bhate, Advocate for the applicant.
Mr. D.V. Chauhan, Public Prosecutor (Sr. Advocate) a/b
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 23, 2024

Heard.

2. On an objection raised by learned Public Prosecutor (Senior Counsel) that the present application is not maintainable under Section 439 of the Code of Criminal Procedure, as the applicant is not in jail.

3. Learned Counsel for the applicant submitted that the accused be permitted to surrender before the learned trial Court and apply afresh for grant of bail and be directed the trial Court to decide the application expeditiously.

4. In support of his contention he placed reliance on the decision of the Hon'ble Apex Court and submitted that the trial Court may be directed to decide the application expeditiously.

5. In the above referred backdrop, I permit the applicant to withdraw the present application with liberty to file a fresh application before the learned trial Court.

6. The applicant shall surrender before the trial Court on 25/10/2024.
7. If the applicant files an application for grant of bail and provide an advance copy of the application to the concerned learned APP, the learned trial Court to decide the application expeditiously.
8. The application is disposed of as withdrawn.

(URMILA JOSHI-PHALKE, J.)

**Divya*