

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3038 OF 2024

Hemant Damodar Vaity	.. Applicant
Versus	
State of Maharashtra and Ors.	.. Respondents

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- Mr. Prateek Dutta a/w Ms. Saakshi Jha, Advocates for Applicant.
 - Mr. Sukanta A. Karmakar, APP for State.
 - API – Santosh Dhadve, Navghar Police Station.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 07, 2025

P. C.:

1. Heard Mr. Dutta, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.

2. Learned Advocate for Applicant has filed praecipe dated 25.02.2025. It is stated in the praecipe that there was inadvertent mistake on the part of the Applicant to seek leave of this Court on 7th February, 2025 to seek conversion of Bail Application No. 3038 of 2024 into a criminal appeal and lodge the same considering the challenge maintained in application.

2.1. He has drawn my attention to the prayer clause 7(a) on page No.26 of the Application. After reading the said prayer clause he would submit that there was some error of judgment on the part of the Advocate for the Applicant to make said deposition to the Court which

was allowed by the Court. He would submit that present Application namely Bail Application No.3038 of 2024 was correctly filed as a Bail Application. He would request the Court to consider the withdrawal of order dated 7th February, 2025. After hearing Mr. Dutta and perusing the Bail Application and its prayer *prima facie* it appears that he is right in his submission.

3. It appears that on the basis of submissions made by Mr. Gandhi on 7th February, 2025 order was passed and Bail Application was directed to be disposed. In view of the position explained by Mr. Dutta, the order dated 7th February, 2025 is recalled by the Court. Necessity for filing an interim application for recalling of the order stands dispensed with in view of the request made by Mr. Dutta and detailed reasons given in the praecipe dated 25.02.2025. Praecipe is considered as application in the interest of justice.

4. Hence, order dated 7th February, 2025 stands recalled, Criminal Bail Application No.3038 of 2024 stands restored to the record and file of the Court.

5. Crime involved in the present case is registered under the POCSO Act and previous order dated 19th August, 2024 passed by this Court it is directed that since Bail Application is now restored to the file of the Court, issue notice to the Respondents. Mr. Karmakar, learned APP waives service on behalf of Respondent Nos.1 and 2.

Learned Advocate for Applicant is directed to serve a copy of the Application to the concerned Investigating Officer

6. The Investigating Officer is directed to depute a responsible Police Officer to get appropriate instructions from Respondent No.3 as to whether he / she requires legal representation to espouse his / her cause and apprise the Court on the next adjourned date upon which this Court shall take further steps to appoint Advocate from the legal aid, if so required.

7. Stand over to **13th March, 2025**. To be listed under the directions 'For Direction'.