

Nikita

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

BAIL APPLICATION NO.3301 OF 2024

Rakesh Ambaji Tambade ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr. Amey Ajgaonkar for the Applicant.

Mr. A. A. Palkar, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 16th JUNE, 2025

P.C.:

1. Mr. Amey Ajgaonkar, learned Advocate for the Applicant appears and states that he has been appointed as a Legal Aid Advocate. He states that the present application is registered on the basis of the letter/application received from the Applicant from the jail.

2. Mr. A. A. Palkar, learned APP points out to the order dated 31.07.2023 which reads as under:

“1, After arguing the bail application for sometime when this Court was disinclined to grant relief, learned Advocate for the applicant on instructions seeks permission to withdraw the application with direction to the Trial Court to decide the trial expeditiously.

2. The bail application is dismissed as withdrawn with liberty as prayed.

3. The Trial Court is directed to decide the trial expeditiously as possible.”

3. Learned Advocate for the Applicant states that despite the order dated 31.07.2023, there has been no progress in the trial. He, therefore, submits that the Applicant would be entitled to renew his request for bail. He submits that the Applicant is in custody since 18.12.2019.

4. Mr. A. A. Palkar, learned APP for the State, submits that the charge in the matter has been framed on 19.12.2023. He states that no witnesses have been examined since, then. He further submits that though, the Bail Application No.1778 of 2022 was dismissed as withdrawn, liberty was not granted to the Applicant to move any fresh application. He submits that in the event, the Applicant wants to move any application on the ground of change in circumstances, then Applicant would have to move such application before the Trial Court.

5. From the perusal of the order dated 31.07.2023, it is evident that the Applicant was not granted any liberty for renewing his request for bail. Applicant was permitted to withdraw the bail application as the Court was disinclined to grant relief. Be that as it may, in the event, the Applicant feels and/or is entitled to maintain any fresh bail application, on the ground of change in circumstances, then it would be appropriate that the Applicant files such application, at the first instance, before the Trial Court.

6. Applicant, is therefore, at liberty to move the learned Trial Court for filing an appropriate application. In the event, such application is filed, then the same shall be considered on its own merits and in accordance with law.

7. With the above said observations, the present **Bail Application No.3301 of 2024** stands disposed off.

(ASHWIN D. BHOBE. J.)