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

CRIMINAL BAIL APPLICATION NO. 3540 OF 2024

Naushad Ahmed Shaikh

... Applicant

Vs.

The State of Maharashtra & Anr.

... Respondents

Mr. Mahendra Kawchale, Advocate for the Applicant.

Mr. Ayush Pasbola, Advocate for Respondent No.2. (Appointed through Legal Aid).

Ms. M. H. Mhatre, APP for Respondent/State.

Ms. Chhaya M. Borkar-PSI, Pimpri Chinchwad Pune.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd AUGUST, 2025.

P.C. :

1. Heard Mr. Mahendra Kawchale, learned Advocate for the Applicant, Mr. Ayush Pasbola, learned Advocate for Respondent No.2 and Ms. M. H. Mhatre, learned APP for the State.

2. By the present Application, Applicant is seeking bail in Crime No. 51 of 2024 registered with Ravet Police Station, Pimpri Chinchwad, Pune for the offences punishable under Sections 354, 354-A, 292, 294, read with Sections 120(B) of IPC and Sections 9(f), 10, 11, 12 the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act" for short). Said crime is registered as Special Case No.38 of 2024 and is pending before the Court of the Special POCSO Court Vadgaon Maval, Pune.

3. Mr. Mahendra Kawchale, submits that the Applicant intends to raise a specific ground of illegal detention of Applicant by amending the present Bail Application.

4. Ms. M. H. Mhatre, learned APP for the State and Mr. Ayush Pasbola, learned Advocate for Respondent No. 2 submit that the Applicant had not raised such a ground before the Trial Court and Applicant is urging the said ground for the first time before this Court. They therefore submits that it would be appropriate that such a ground is first raised and considered by the Trial Court, at the first instance.

5. In view of the said objection, Mr. Mahendra Kawchale, learned Advocate for the Applicant craves leave to withdraw the present Bail Application with liberty to file a fresh Bail Application before the learned Trial Court raising the ground of illegal detention. Liberty as prayed for is granted. Applicant is at liberty to file a fresh Bail Application before the learned Trial Court raising the ground of illegal detention. If such Application is filed, the same shall be considered expeditiously, on its own merits and in accordance with law.

6. In view of the above, Criminal Bail Application No.3540 of 2024 is disposed of with liberty as above.

(ASHWIN D. BHOBE, J.)