

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3669 OF 2024

Akshay Vijay Avachite

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Suraj G. Desai, learned Advocate for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th AUGUST 2025.

P.C. :

1. Heard Mr. Suraj Desai, learned Advocate for the Applicant and Mr. Amit Palkar, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 677 of 2023 registered with Lonavala Rural Police Station, Taluka-Maval, District-Pune Rural for the offences punishable under Sections 302, 307, 326, 504 & 506 read with 34 of the Indian Penal Code, 1860.

3. Mr. Suraj Desai, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No. 40 of 2024 and is pending on the file of Additional Sessions Judge, Vadgaon Maval, District-Pune.

4. At the outset, Mr. Suraj Desai, learned Advocate for the Applicant submits that the present Bail Application is filed on 28th March 2024. He submits that after filing of the present Bail Application, three main witnesses in Crime No. 677 of 2023 have been examined before Trial Court. He submits that all the three main witnesses, which includes the Informant, mother and sister of the victim, have been declared hostile.

5. Three main witnesses, on which the prosecution had based their case, being declared hostile in Sessions Case No. 40 of 2024, Mr. Suraj Desai, learned Advocate submits that the Applicant intends to file a fresh Bail Application before the Trial Court. Hence, on instructions from the Applicant, he seeks leave to withdraw the present Bail Application with liberty to file a fresh Bail Application before the learned Trial Court, raising all contentions.

6. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that if main witnesses have turned hostile, as contended by Mr. Suraj Desai, learned Advocate for the Applicant, then it would be appropriate that a fresh Bail Application be filed before the Trial Court, who can then examine the contentions of Applicant for bail.

7. In view of the above, the Applicant is granted leave to withdraw the present Bail Application with liberty to file a fresh Bail Application before the learned Trial Court. If such Bail Application is filed by the Applicant before the learned Trial Court, the same be considered on its own merits and in accordance with law.

8. Criminal Bail Application No. 3669 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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KOTAWADEKAR
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