

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4212 OF 2024

Anil Bhoru Kharate.

...Applicant.

Versus

State of Maharashtra.

...Respondent.

Mr. Abhishek Yende, a/w. Mr. Sagar P i/b. Mr. Mohsin Sayyed, Advocate for the Applicant.

Ms. S.M. Yadav, APP for the Respondent/State.

CORAM: ASHWIN D. BHOBE, J.

DATED: 3rd SEPTEMBER, 2025.

PC:-

1. Heard Mr. Yende, learned Advocate for the Applicant.
2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant is seeking regular bail in Crime No. 233 of 2023 registered with Indira Nagar Police Station, Dist. Nashik for the offences punishable under Section 363, 364(A), 386, 120-B, 201 r/w. 34 of the Indian Penal Code and under Section 3/25 of Indian Arms Act. Said Crime was registered as Sessions Case No. 392 of 2023 and is pending before the Court of Additional Sessions Judge, Nashik.
3. Ms. Yadav, learned APP for the State points out to page 59 i.e. the order dated 5th July, 2024 passed by this Court in Bail Application No. 1487 of

2024 and relies on paragraph No. 2, which reads as follows : (page 60)

“2. Permission to withdraw the bail applications is granted with liberty to move afresh before trial Court after one year if there is no progress in the trial.”

She submits that liberty was to apply afresh before the Trial Court.

4. In view of the objection raised by Ms. Yadav, Mr. Abhishek Yende, learned Advocate for the Applicant on instructions from Applicant seeks leave to withdraw the present Bail Application and to file a fresh bail application before the Trial Court in terms of the liberty granted by the order dated 5th July, 2024 passed in Criminal Application No. 1487 of 2024. He submits that if such an application is filed, a direction be given to the Trial Court to dispose of the said application expeditiously.

5. Leave is granted with liberty to file fresh bail application before the Trial Court in terms of the liberty granted by this Court vide order dated 5th July, 2024 passed in Criminal Bail Application No. 1487 of 2024. If such application is filed before the Trial Court, the same shall be considered on its own merits and in accordance with law. If such application is filed, learned Trial Court is requested to make an endeavour to dispose of the same expeditiously.

6. Criminal Bail Application No. 4212 of 2024 is dismissed as withdrawn with the above liberty.

(ASHWIN D. BHOBE,J.)