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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5101 OF 2024**

Prabhuprasad Surajnarayan Saha ... Applicant

V/s.

State of Maharashtra ... Respondent

Mr. Atul Kakade, for the applicant.

Mrs. Megha Bajoria, APP for respondent No.1-State.

Mr. Kambale, PI, Mr. Kokate, PSI, Santacruz Police Station.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 2, 2025

P.C.:

1. Learned Advocate for the applicant has submitted that the earlier order dated 8th April, 2024, passed in the previous bail application, cannot be treated as an order on merits. It is argued that the said application was not decided after a detailed consideration of the case, but was merely permitted to be withdrawn. However, upon perusal of the said order, it becomes clear that this Court had taken note of the submissions advanced on behalf of the applicant and only thereafter, upon request, permitted the applicant to withdraw the application. Thus, the contention that the earlier order was not at all considered on merits cannot be fully accepted.

2. This issue is no longer res integra. This Court has already dealt with an identical contention in Bail Application No.1856 of 2024 (*Vaibhav Babanrao Devkate vs. The State of Maharashtra*), decided on 18th August, 2025. In that matter, this Court had

occasion to consider a similar argument that the earlier order permitting withdrawal of a bail application should not be treated as an order on merits. The Court clarified that once the submissions are noted and thereafter withdrawal is permitted, the applicant cannot turn around and contend that the earlier order was wholly non-speaking or devoid of consideration. Hence, the present application is also governed by the same principle.

3. It is further seen from the order dated 8th April, 2024, that this Court had directed the trial court to complete the trial within six months. Now, it is informed that the trial has already reached the final stage and is posted for arguments. When the trial has substantially progressed and is at the verge of conclusion, it would not be appropriate for this Court to intervene and grant bail at this belated stage. Granting bail at such a juncture would unnecessarily disturb the course of trial and may also delay its conclusion. The settled principle of law is that when the trial is at its fag end, the balance of convenience tilts in favour of allowing the trial court to conclude the proceedings at the earliest rather than granting interim liberty.

4. In view of the above discussion, this Court is not inclined to entertain the present bail application. However, to safeguard the applicant's interest, it is directed that the trial court shall complete the trial within a period of six weeks from today, without granting unnecessary adjournments to either side. With these directions, the present application stands disposed of.

(AMIT BORKAR, J.)