

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

CRIMINAL BAIL APPLICATION NO. 5219 OF 2024

Sagar Tanaji Darvatkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep U. Nikam (Through VC) a/w Mr. Prasad Avhad, learned Advocates for the Applicant.

Ms. Madhavi H. Mhatre, learned A.P.P for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th SEPTEMBER 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Ms. Madhavi Mhatre, 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. 384 of 2018 registered with Sinhagad Road Police Station, District-Pune for the offences punishable under Sections 302, 201, 143, 144, 147, 148 & 149 of the Indian Penal Code, 1860, Section 4(25) of the Indian Arms Act, 1959 and Section 37(1) read with 135 of the Maharashtra Police Act, 1951.

3. Mr. Kuldeep Nikam, learned Advocate for the Applicant

submits that the abovesaid crime is registered as Sessions Case No. 819 of 2018 and is pending before the Court of Additional Sessions Judge, Pune. Mr. Kuldeep Nikam, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of change in circumstance, which includes the release of Vijay Dattatraya Adagale (Accused No. 5) on bail in the said crime.

4. Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent submits that the Bail Application filed by the Applicant before this Court was rejected on merits. She submits that in the event of change in circumstances, the Applicant will have to file a fresh Bail Application before the Trial Court at the first instance.

5. In view of the objection raised by Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent, Mr. Nikam on instructions from the Applicant, craves leave to withdraw the present Bail Application with liberty to approach the Trial Court with a fresh Bail Application. He submits that such Bail Application would be filed within a period of 10 days from today and therefore, prays that the Trial Court be directed to expedite disposal of the said Bail Application.

6. Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent does not object for grant of request made by Mr. Kuldeep Nikam, learned Advocate for the Applicant.

7. In view of the above, leave granted to the Applicant to withdraw the present Bail Application with liberty to file a fresh Bail Application on the ground of change in circumstances. If fresh 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. If such Bail Application is filed by the Applicant within a period of 10 days from today, learned Trial Court is requested to make an endeavour to dispose of the same expeditiously.

8. Criminal Bail Application No. 5219 of 2024 is disposed of as withdrawn with the liberty as prayed.

[ASHWIN D. BHOBE, J.]

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