

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

CRIMINAL BAIL APPLICATION NO. 2157 OF 2025

Dipak Dattu Gave.

... Applicant.

Vs.

The State of Maharashtra.

... Respondent.

Mr. Kuldeep U. Nikam, a/w. Om N. Latpate & Mr. Sasmodhan
Ghumare, Advocate for the Applicant.

Mr. Amit Palkar, APP for respondent/State.

CORAM : ASHWIN D.BHOBE, J.

DATE : 13th JUNE, 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the
Applicant and Mr. Palkar, learned APP for State.

2. Learned APP points out to the order dated 28th August,
2024 passed by this Court in Bail Application No. 2870 of 2023.

The said order reads as follows :

“Heard. The learned Counsel for the applicant seeks leave
to withdraw this application with liberty to renew his
request if the trial is not concluded within six months.
Leave granted as prayed for. The application stands
disposed of accordingly.”

3. Relying on the said order, learned APP states that the liberty granted to the Applicant was to renew the request at the first instance before the learned Sessions Court. He submits that the Applicant having not taken recourse to the said remedy, this Application would not be tenable.

4. Mr. Nikam, learned Advocate for the Applicant submits that according to the reading of the order dated 28th August, 2024, liberty to renew the request would amount to file fresh application before this Court.

5. I am unable to accept the contention of the Applicant as the liberty granted by the Order dated 28th August, 2024 is to renew request at the first instance before the learned Sessions Court as rightly submitted by the learned APP.

6. Faced with this situation, Mr. Nikam, learned Advocate for the Applicant on instructions from the Applicant submits that leave be granted to withdraw the present Application with liberty to file a fresh application before the learned Sessions Court. Leave granted to withdraw the present Application with liberty to file

application before the learned Sessions Court. In the event of any such application being filed, the same shall be considered on its own merits and in accordance with law.

7. In view of the above, Criminal Bail Application No. 2157 of 2025 is dismissed as withdrawn with the liberty to file an application for bail before the learned Additional Sessions Court, Nashik in Sessions Case No. 135 of 2021.

[ASHWIN D.BHOBE, J.]