

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

CRIMINAL BAIL APPLICATION NO.2382 OF 2025

Avinash @ Avya Kisan Kusalkar. ... Applicant.

Vs.

The State of Maharashtra. ... Respondent.

Mr. Ramji T. Kotali, Advocate for the Applicant (through V.C.).

Mr. P.H. Gaikwad, APP for Respondent/State.

Mr. S. P. Deshmukh, Pimpri Chinchawad Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th JUNE, 2025

P.C. :

1. Heard Mr. Ramji Kotali, learned Advocate for the Applicant and Mr. P.H. Gaikwad, learned APP for State.
2. By order dated 15th October, 2024, the Additional Sessions Judge Pune, has rejected the bail application No.164 of 2024, at Exhibit-03 on the file of Additional Sessions Judge, Pune.
3. Mr. P. H. Gaikwad, learned APP, points out to observation of the learned Additional Sessions Judge in paragraph No.5 of the said order which reads as : “.....Therefore, considering gravity of the offence, applicant is not entitled for bail at least till

recording of oral testimony of informant.”. Learned APP submits that the said observation of the learned Additional Sessions Judge is in the form of a liberty to the Applicant to move / apply for bail after completion of the oral testimony of the informant. He submits that in view of the said observations of the learned Additional Sessions Judge, this Court should not entertain the present application, as no prejudice can be caused to the Applicant if he moves the bail application after recording of the oral testimony of the informant.

4. After having heard the matter for some time and this Court expressing its view of not being inclined to entertain the Bail Application, at this stage, considering the said observations of the learned Additional Sessions Judge, Pune, as referred by the learned APP, Mr. Kotali, learned Advocate for the Applicant, on instructions from the Applicant, seeks leave to withdraw the present Application with liberty to file a fresh bail application before the Trial Court, after recording of the oral testimony of the informant. Leave to withdraw the present application with the liberty as prayed by the Applicant is granted. Applicant shall be at liberty to file an application for bail before the Trial Court after

the recording of the oral testimony of the informant in the said crime.

5. In view of the above, Criminal Bail Application No.2382 of 2025 is dismissed as withdrawn with liberty as prayed.

(ASHWIN D. BHOBE, J.)