

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

CRIMINAL BAIL APPLICATION NO.2386 OF 2025

Mr. Jabbar Rajjaq Shaikh. ... Applicant.

Vs.

The State of Maharashtra & Anr. ... Respondents.

Mr. Mr. Rahul J. Kasliwal (through V.C.), a/w. Mr. Mihir N. Kasliwal a/w. Mr. Pratik Kalantri, Advocate for the Applicant.

Mr. Vinod Chate, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th JUNE, 2025

P.C. :

1. Heard Mr. Kasliwal, learned Advocate for the Applicant and Mr. Vinod Chate, learned APP for State.
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.64 of 2022 registered with Yeola City Police Station, Nashik for offences punishable under Section 376(2)(j)(n), 120-B, 377, 388, 506 of the Indian Penal Code and Section 4, 6, 11 & 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

3. Learned Advocate for the Applicant states that the Applicant was given liberty to file a fresh application after 3 months. He places reliance on the order dated 5th March, 2025 passed in Criminal Bail Application No. 3932 of 2024.

4. Mr. Chate, learned APP states that this liberty will have to be exercised first before the learned Trial Court. He submits that the learned Trial Court is required to assess the change in circumstance.

5. In view of the objection, Mr. Kasliwal, learned Advocate for the Applicant on instructions from the Applicant states that the Applicant be permitted to withdraw the present Application with liberty to file a fresh bail application before the learned Trial Court, at the first instance. He, on instructions, submits that such application would be filed within a week from today. He submits that the Applicant is incarcerated since last 4 years and therefore, this Court had granted liberty to apply after a period of 3 months. On the basis of the same, he prays that upon filing of the bail application before the learned Trial Court, the learned Trial Court be directed to decide the application expeditiously. Mr. Kasliwal

states that the above said C.R. No.64 of 2022 is registered as Special Case No.141 of 2023 and is pending on the file of the Special Judge Yeola.

6. Mr. Chate, learned APP states that as the present application is being withdrawn and considering the liberty granted by this Court in its order dated 5th March, 2025, the learned Trial Court can be directed to decide the bail application expeditiously.

7. Leave granted to the Applicant to withdraw the present Application with liberty to file a fresh application for bail before the Special Judge Yeola in Special Case No.141 of 2023.

8. Considering the liberty granted to the Applicant by order dated 5th March, 2025 in Criminal Bail Application No.3932 of 2024, the Special Judge Yeola, is requested to decide the bail application on its own merits and in accordance with law, expeditiously and at any rate within a period of 6 weeks from the date of filing of the said application.

9. In view of the above, Criminal Bail Application No.2386 of 2025 is dismissed as withdrawn with liberty as prayed.

(ASHWIN D. BHOBE, J.)