

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2724 OF 2025

Mohammad Akhtar Mathar Hussain ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Zoheb Shaikh i/b Mr. Farad Iqbal Qureshi, learned Advocate for the Applicant.

Mr. Amit Palkar, learned A.P.P for the State/Respondent.

Ms. Swarta Suryawanshi (Appointed Advocate), learned Advocate for Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th JULY 2025.

P.C. :

1. Heard Mr. Zoheb Shaikh, learned Advocate for the Applicant and Mr. Amit Palkar, 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 Applicants are before this Court seeking regular bail in connection with Crime No. 351 of 2022 registered with Taloja Police Station, Navi Mumbai for the offences punishable under Section 376 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. Mr. Amit Palkar, learned A.P.P for the State/Respondent points out to the order dated 11th January 2024, passed in Criminal

Bail Application No. 2180 of 2023, whereby the said Application filed by the Applicant was disposed of by this Court, as it was withdrawn by the Applicant. He submits that in the event the Applicant seeks bail on change in circumstance, then the same will have to be filed before the learned Trial Court at the first instance.

4. Mr. Zoheb Shaikh, learned Advocate craves leave to withdraw the present Bail Application with liberty to file a fresh Bail Application before the learned Trial Court on the ground of change in circumstance.

5. Applicant is always at liberty to file a fresh Bail Application before the learned Trial Court in the event of change in circumstance. If any such Application is filed by the Applicant before the learned Trial Court, the same shall be considered on its own merits and in accordance with law.

6. In view of the above, Criminal Bail Application No. 2724 of 2025 is dismissed as withdrawn with liberty as prayed.

[ASHWIN D. BHOBE, J.]

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