

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 175 OF 2023
WITH
INTERIM APPLICATION NO. 1005 OF 2025
IN
CRIMINAL APPEAL NO. 175 OF 2023

Deepak Sahebrao Nazarkar ...Appellant

Versus

The State of Maharashtra & Anr ...Respondents

Mr. Sachin Salunke, for the Appellant.

Mr. R.R. Mishra , Appointed Advocate, for the Appellant present.

Mr. Shailesh S. Ghag, APP, for the Respondent No.1-State.

Ms. Suvarna Yadav, Appointed Advocate , for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 16TH FEBRUARY 2026

PC:-

INTERIM APPLICATION NO. 1005 OF 2025

1. Mr. R. R. Mishra, learned Appointed Advocate seeks discharge. In view of the appearance of Mr. Sachin Salunke for the appellant, he stands discharged.
2. This application is received from the jail.
3. Learned Counsel for the applicant/appellant states that this Court is bound by the Judgment of the Hon'ble Supreme Court in

REKHA
PRAKASH
PATIL

Digitally signed by
REKHA PRAKASH
PATIL
Date: 2026.02.17
11:54:15 +0530

the case of **Sou Moto Writ Petition (Criminal) No(s). 4 of 2021** and hence, the applicant/appellant be enlarged on bail.

4. There cannot be any dispute with regard to the fact that this is Court is bound by the judgment of the Hon'ble Supreme Court, however, in the instant case admittedly the first bail application filed by the appellant has been dismissed by this Court on merits. It is, therefore, not open for this Court to reconsider the merit of the case again at this stage, which will amount to reviewing earlier order. This is not permissible in law.

5. Moreover, record indicates that the appeal is fixed for final hearing. Learned Counsel for the applicant/appellant is unable to work out the matter. Thus, this is not a case wherein Court is unable to take up appeal for final hearing.

6. In view of the same, there is no merit in the application.

7. Application stands dismissed and disposed of accordingly.

8. At the request of learned Counsel for the appellant, stand over to **5th March, 2026**.

(R. M. JOSHI, J.)