

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 208 OF 2026
WITH
INTERIM APPLICATION NO. 422 OF 2026
IN
CRIMINAL APPLICATION NO. 208 OF 2026

Nitin Ramesh Kotkar

...Applicant

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Jayesh Bhatt, learned Advocate for the Applicant.

Mr. Prasamma P. Malshe, learned A.P.P. for the State/Respondent.
IO, PSI Mr. Suryakant Omase attached to Vile Parle Police Station,
Mumbai is present in the Court.

CORAM : ASHWIN D. BHOBE, J.
DATE : 10th FEBRUARY 2026.

P.C. :

INTERIM APPLICATION NO. 422 OF 2026

1. By the present Interim Application, the Applicant has sought for the following substantive reliefs in terms of prayer clauses 5(a) & (b) :-

“a) Pending the hearing and final disposal of main Application the Applicant may be ordered to be released on Bail on Personal Bond forthwith.

b) Pending the hearing and final disposal of the main Application further proceeding in CC No.4044/PW/2025 of the Court of 65th JMFC (First Class) at Andheri Mumbai may be stayed.”

2. Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent submits that the Bail Application filed by the Applicant in C.C. No. 4044/PW/2025 in the First Information Report No. 719 of 2024 dated 13.09.2024 registered with Vile Parle Police Station, Mumbai, was rejected by the Judicial Magistrate First Class, 65th Court at Andheri, Mumbai on 07.01.2026. He therefore submits that the Applicant has remedies in terms of the provisions in Bharatiya Nagarik Suraksha Sanhita, 2023 and therefore, objects to the present Interim Application.

3. Faced with the said objection, Mr. Jayesh Bhatt, learned Advocate for the Applicant on instructions from the Applicant craves leave to withdraw this Interim Application with liberty to approach the Judicial Magistrate First Class, 65th Court at Andheri, Mumbai with a fresh Bail Application in view of the change in circumstances.

4. Mr. Prasanna Malshe, learned A.P.P. does not object to request made by Mr. Jayesh Bhatt, learned Advocate for the Applicant.

5. In view of the No Objection, leave granted to withdraw the present Interim Application with liberty as prayed. If such Application is filed by the Applicant before the Trial Court, the same be considered on its own merits after affording an opportunity of hearing to the parties and in accordance with law.

6. Interim Application No. 422 of 2026 is disposed of as withdrawn.

CRIMINAL APPLICATION NO. 208 OF 2026

1. Mr. Jayesh Bhatt, learned Advocate for the Applicant craves leave to amend the present Criminal Application to challenge a Office Order dated 28.06.2024 issued by the office of Additional Director General of Police, Pune.
2. Mr. Malshe, learned A.P.P. for the State/Respondent does not object for amendment, however reserves his right to object on merits of the matter. He further points out that though the present Criminal Application is seeking quashing of the charge-sheet, entire charge-sheet is not enclosed.
3. Mr. Jayesh Bhatt, learned Advocate submits that charge-sheet would be placed on record. He requests for time of two weeks to undertake the said exercise. Time granted.
4. In view of the No Objection for the amendment, leave granted to carry out amendment. Amended copy of the Criminal Application along with the documents and complete charge-sheet be furnished to the office of learned A.P.P. on or before the next date of hearing.
5. At the request of Mr. Jayesh Bhatt, learned Advocate for the Applicant and by consent of the parties, list the matter on **25th March 2026**.

[ASHWIN D. BHOBE, J.]*Page 3 of 3*