

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5210 OF 2015

Gajendra s/o Kerappa Panchwise,
Age: 43 years, Occ: Agri. & Business,
R/o. Kadaknathwadi, Tq. Washi,
Dist. Osmanabad.

...Applicant

versus

The State of Maharashtra,
through Police Station,
Yermala, Tq. Kallam,
Dist. Osmanabad.

...Respondent

...
Mr. S.J. Salunke, Advocate for the applicant
Mr. R.B. Bagul, Addl. Public Prosecutor for respondent
...

CORAM : N.W. SAMBRE, J.

DATE : 19th OCTOBER, 2015

ORAL ORDER :

Heard Mr. Salunke, learned Counsel for the applicant.

2. It is not in dispute that earlier bail application was dismissed as withdrawn at the behest of the applicant for grant of regular bail. The only ground pressed into service by learned Counsel that in spite of the fact that the applicant's application for grant of regular bail was rejected, trial has not gained momentum and the applicant is not at fault for delay. In support of this, he has relied upon the judgment of the Apex Court in the matter of **State of**

Kerala vs. Raneef reported in ***AIR 2011 SC 340***. Sub-paragraph-4 of Paragraph-12 of the said judgment reads thus :

“4. In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial. Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our constitution, not violated in such a case? Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.”

3. In view of above, he would urge that the applicant's bail application be heard fresh.

4. In my opinion, the fact remains that the applicant came to be arrested for crime in question which is punishable under Section 376(I) of the Indian Penal Code on 01/03/2015. Hence no case for grant of bail is made out.

5. In view of above, it will not be appropriate, in my opinion to grant premium to the applicant by directing learned Sessions

Judge to decide the trial of the applicant in accordance with law, as others are already in queue awaiting their turn of trial.

6. In view of above, no case is made out for grant of bail.
The application stands rejected.

[N.W. SAMBRE, J.]

Tupe/19.10.15