

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

Criminal Application No.6221 of 2014

Gajanan s/o Damodhar Bhalerao. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Rohit S. Sarvadnya, Advocate, for applicant.

Shri. N.B. Patil, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 14th JANUARY 2015

ORDER:

1) The application is filed for bail. Both the sides are heard. This Court had called report of the Presiding Officer to ascertain the reasons for delay caused in disposal of the matter. Previous application bearing Criminal Application No.5956/2013 was rejected by this Court on merits by order dated 6-12-2013. This Court has given direction to the trial Court to dispose of the matter

within five months from the date of receipt of the order. In the previous order the entire material available against the present applicant is discussed and the application was rejected on merits. In view of these circumstances, it was necessary for the applicant to show that there has been change in circumstances due to which he is entitled to get bail.

2) The report received from the Presiding Officer shows that different group of accused have engaged different Advocates and the defence counsels are seeking adjournments. Even when witnesses were present, they were examined, adjournment was sought by the defence for their cross-examination. Due to this circumstance, the Court was required to impose cost to recover the witness allowance from the defence. This cost amount was not deposited immediately and time was sought. These are the reasons for causing delay in disposal of the case. The report shows that schedule of the matter was fixed after consultation not only with the Prosecutor but also the defence counsel.

3) In view of these circumstances, it cannot be said that the accused are not responsible for causing delay in disposal of the case. This Court holds bail cannot be granted to the applicant on the aforesaid grounds. The application is rejected.

Sd/-
(T.V. NALAWADE, J.)

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