

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1217 of 2015

Shivaji Sadashiv Ghadke .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr. Vaibhav R. Gaikwad, Advocate for the applicant.

Mrs.S.Gajare-Dhumal, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 20th OCTOBER 2015

P.C. :

1 The applicant's previous application for bail was rejected by me (BA 390/13 decided on 3rd May 2013). Now, the prayer for bail is renewed on the ground that though the applicant is in custody for a period of more than three years, the trial is not yet over.

2 The learned counsel for the applicant fairly submits that the trial is in progress. He submits that it is at an advanced stage. He himself states that the supposed eye witnesses to the incident have already been examined.

3 When such is the situation, it would not be possible for this Court to consider the question of grant of bail only on the basis of police report and accompanying documents.

4 It is submitted that a cross-case also arises out of the same incident, and that since the cross-case and the present case are required to be decided together, the outcome of the trial against the applicant is likely to be delayed.

5 Even if this is so, when evidence has been adduced which is not placed before the Court, and when the question of releasing the applicant on bail needs to be taken on the basis of the evidence adduced before the trial Court, it would not be proper to release the applicant on bail.

6 Application is rejected.

7 The applicant shall be at liberty to file an application for bail before the trial Court. In the event of such an application being filed, the trial Court shall consider the matter on merits, and by taking into consideration, *inter alia*, the evidence that has been adduced during the trial. The trial Court shall decide the application in accordance with law, and without being influenced by the rejection of the applicant's applications for bail by this Court.

(ABHAY M. THIPSAY, J)

CERTIFICATE

***Certified to be true and correct copy of the original signed
Judgment/Order.***