

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**Cr. Application No 1342 of 2015**  
**IN**  
**Cr. Appeal No 161 of 2015**

JITU @ BARISAB BABURAO RAJPUT ...Applicant.  
V/S  
THE STATE OF MAHARASHTRA ...Respondent.

....  
Mr.Rohan Nahar, Advocate for the Applicant.  
Mrs. Anamika Malhotra, APP, for the State.  
....

CORAM : A. R. JOSHI, J.

DATE : 28<sup>th</sup> OCTOBER, 2015

PC.

1. Heard learned Counsel for the applicant in this application for bail during pendency of appeal. Apparently this is repeated bail application during pendency of appeal.
2. The appeal is already admitted vide order dated 27.2.2015. The applicant/appellant is convicted for the offences punishable under Sections 395 of IPC and sentenced to suffer RI for 10 years and to pay fine of Rs.5,000/-.
3. After admission of the appeal, initially application for bail

bearing No.289 of 2015 was preferred before another Bench (Coram: Abhay M. Thipsay, J.). It was disposed of vide order dated 13.3.2015. The Court specifically mentioned as to going through the judgment delivered by the trial Court and copies of notes of evidence of witnesses recorded during the trial. In para-4 of the said order dt. 13.3.2015, following observations are made :

"4. On taking a *prima facie* view of the matter, this does not appear to be a fit case for suspension of the sentence that has been imposed upon the appellant."

4. Said earlier bail application was accordingly rejected but liberty was given to the applicant to apply for expeditious hearing of the appeal.

5. Consequent to the above, application No.1070 of 2015 was preferred before this Bench, which was finally heard and disposed of vide order dated 8.9.2015. It is specifically mentioned in the said order that there was nothing to expeditiously hear the appeal and said application was dismissed.

6. Under the above premise, this second application for bail during pendency of appeal is preferred. Learned Counsel for the applicant states that some documents were earlier not available for inspection of the Court while earlier bail application was disposed of.

This argument cannot be accepted as it is specifically mentioned in earlier order dated 13.3.2015 that the Court has gone through the judgment and the notes of evidence. In any event there cannot be again application of mind as this Court has already held that this is not a case for grant of bail during pendency of appeal considering the conviction under Section 395 of IPC and imprisonment for 10 years. As such, this application is accordingly dismissed and disposed of.

( A. R. JOSHI, J.)

Deshmane (PS)