

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No.239 of 2015
(Karan alias Sonu Agrawal V State of Maharashtra thr PS0 PS
Gangazari, Dist- Gondia)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

[S/Shri A.A. Naik, D.V. Mahajan, Advs for applicant.
Shri S.B. Ahirkar, APP for State.]

CORAM : A.B. CHAUDHARI, J.
DATED : 03.07.2015.

The learned counsel for the applicant submitted that all the three accused persons are in jail. According to him, there are discrepancies in the prosecution evidence which *prima facie* entitles the applicant to be released on bail. I have seen the statement of witness Arun Kosarkar. The police have recorded his statement almost after one month. Shri Naik, the learned Counsel submitted that the said witness deposed in his statement about three injuries, but as per the post mortem report there are 40 injuries, which falsifies his version.

Shri Ahirkar, the learned APP submitted that in the month of March,

2015 applicant had withdrawn his earlier bail application and now has filed this fresh bail application.

Upon perusal of the charge-sheet, oral report and upon hearing the learned Counsel for the rival parties, I find that the case at hand shows that all the accused persons must face the trial while in jail in order that they should not tamper the prosecution evidence. Since the accused/applicant was arrested on 06-07-2014 i.e. almost one year before, I think the trial of the accused should commence. I am, therefore, not inclined to give the benefit of grant of bail to the applicant, all the more so because already the other accused persons are in jail. That being so, I make the following order :-

Order

A] Criminal Application (BA) No.239 of 2015 is rejected.

B] The trial Court to frame the charge against the accused,

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within a period of one month and fix the programme and complete the trial within a period of four months from today.

JUDGE

Deshmukh