

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, Court's orders or directions and Registrar's orders.	Notes, of Court's orders or Registrar's orders.	Office Coram, Court's orders or Registrar's orders.	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 801 OF 2016
WITH
APPLN/1324/2016 IN APPLN/801/2016

RAJU @ KARBHARI S/O MAROTRAOMULE
VERSUS
THE STATE OF MAHARASHTRA.

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Advocate for Applicant : Mr. Deshpande Jagdish V.
APP for Respondent: Mr. S. D. Kaldate.

CORAM: T. V. NALAWADE, J.
DATED: 7th MARCH, 2016.

PER COURT:

1. The application is filed for bail. This is the third application filed for bail. The first application was rejected on merit. When this Court was not inclined to grant relief, the second application was withdrawn on 21st July, 2014. In view of this circumstances it was necessary for the learned counsel for the Applicant, accused to show that there has been change in circumstance. The learned

counsel submitted that the case has not made any progress and as the applicant is behind bar since 4th June, 2013, he is entitled to get bail. Some arguments were advanced on merit also and it was submitted that there is no convincing evidence to make out prima facie case of transparency against the present applicant.

2. This Court has considered the material which is collected against the present Applicant Raju @ Raghunath and others. There is allegation against the present applicant that he along with other men of his group hired killers and they finished their political opponent. Few days prior to the incident, there was election to the post of Deputy Sarpanch and present Applicant was a candidate of his group for the said post. He was feeling that he had reached an understanding with deceased Shivaji about the election. In the election he was defeated and the man of Shivaji was elected. Due to this defeat, present Applicant decided to finish Shivaji.

3. In addition to the material discussed by this Court in order dated 5th December, 2013, some more material,

statement of one Koble, was brought to the notice of this Court by learned A.P.P. He had overheard the conversation between present applicant and his men and the present applicant was telling to his men that he has taken a decision to finish Shivaji as Shivaji had done a game with him. Shivaji had seen that he was defeated in the election. Learned A.P.P. submitted that after the accident threats were given to the relatives of Shivaji by the men of present applicant and as such the accused persons are tampering with the witnesses of the prosecution. Report was called from the Presiding Officer by this Court to ascertain the reasons for not making progress in the matter. The report is received. It was reported that on 3rd March, 2016 the case was fixed for recording evidence as witness summons were issued. It appears that one more accused is behind bar. He sought adjournment on that day and thus on 3rd March, 2016 the case could not make progress. Such tactics are played by the accused persons who are behind bars and then they pray for bail. In view of these tactics, this Court holds that the relief cannot be granted.

4. In the result, the Criminal Application No.801 of 2016 for bail stands rejected.

5. Criminal Application No. 1324 of 2016 for Intervention is allowed and disposed of accordingly.

(T. V. NALAWADE, J.)

Dt.07/03/2016.
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