

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.164 OF 2016

Bharat Rajesh Badgajar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Subhash Hulyalkar for the Applicant.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 9th FEBRUARY, 2016.

P. C. :

This is a second application for bail filed by the aforesaid Applicant, who is facing trial in Sessions Case No.101 of 2015 pending before the Sessions Court, Pune.

2. Mr. Hulyalkar, the learned counsel for the Applicant has submitted that the Applicant is languishing in jail since last 16 months. The trial has not yet commenced, hence, the Applicant is entitled for bail.

3. Ms Veera Shinde, the learned APP for the Respondent -State has submitted that the charge is already framed and witnesses are

already summoned and that the trial of this case will commence from 8.3.2016.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The records prima facie reveal that the Applicant herein is involved in committing the offences punishable under sections 143, 147, 148, 149, 307 and 504 of the IPC and under section 37 (1) r/w section 135 of the Bombay Police Act and section 4 (25) of the Arms Act. The earlier bail application filed by the Applicant was dismissed by this Court on merits by order dated 21.7.2015. There is no change in circumstances from the said date of order. The only ground raised by the Applicant is that the trial of the case is not yet commenced. As stated earlier, the learned APP has made a statement that the witnesses are already summoned and hence, in my considered view the Applicant is not entitled for bail on the said ground.

5. Hence, the application has no merits and is hereby dismissed.

(ANUJA PRABHUDESSAI, J.)