

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

CRIMINAL APPLICATION NO.346 OF 2016
IN
CRIMINAL APPEAL NO. 570 OF 2014

Akbar Khan Ajmer Khan ... Applicant

V/s.

State of Maharashtra ... Respondents

Mr. Anil G. Lalla i/b. Lalla and Lalla advocates for the applicant and Mrs. Aisha M. Zubair Ansari for the applicant.

Mr. J.P. Yagnik, APP for the State.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

14th September, 2016.

P.C.

The applicant prays for bail. Learned Counsel appearing for the applicant submits that applicant was convicted and sentenced based on certain circumstances which according to prosecution establish the guilt of the applicant. Learned Counsel for the applicant submits that circumstance brought on record by the prosecution do not establish the guilt of the accused. The prosecution has failed to prove the case beyond

reasonable doubt. On certain conjectures the trial Court based its conclusion.

2. Learned Counsel has drawn our attention to an order passed by the Division Bench of this Court in Criminal Application No. 1514/2014 in Criminal Appeal No. 570/2014 filed by the present applicant Akbar Khan Ajmer Khan. It is submitted that final hearing of the appeal may take sufficiently long time, therefore, bail application has been filed for consideration of this Court.

3. Learned APP submits that the earlier bail application filed by the applicant was argued and Court was not inclined to allow that application on merits, hence, the same was withdrawn. Applicant is husband of deceased. Both were residing in the army quarters with their children.

4. We have considered the submissions advanced. By an order dated 13th January, 2015, the Division Bench passed following order in the application filed by the applicant.

“ After the application was argued at length by the learned counsel for the applicant and when the court

expressed its disinclination to allow the application, learned counsel for the applicant stated on instructions that the applicant may be permitted to withdraw this application.

Accordingly, this application is dismissed as withdrawn. We, however, expedite the hearing of the appeal.”

5. True it is that final hearing of the appeal takes considerable time in this Court but the hearing of the appeal has already been expedited. The case is based on circumstantial evidence, therefore, the evidence is required to be scrutinized minutely. The applicant is husband of the deceased. He was at the relevant time in the services of army.

6. In this view of the matter, we are not inclined to entertain the second bail application. The application is rejected.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.