

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

CRIMINAL BAIL APPLICATION NO. 1232 OF 2016

Ramashish Ramjatan Yadav. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Satyavarat Joshi, advocate for Applicant.

Mr. Prashant Jadhav, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 1, 2016**

P.C.:

1 Heard the learned Counsel for the applicant at length. The learned Counsel for the applicant has fairly submitted that on 20/8/2013 the application filed by the present applicant was withdrawn. That the applicant is arrested on 29/9/2012 and continues to remain in jail and therefore, on account of delay in trial, the applicant deserves to be enlarged on bail.

2 As against this, learned APP submits that the applicant herein is being prosecuted for an offence punishable under section 302, 143, 147, 148, 149, 286 and 212 of the Indian Penal Code. Section 436A of the Code of Criminal Procedure, 1973 would not be applicable in the present case. The learned APP further submits that as on today, the trial has commenced in as much as the charges are framed and witness summons are issued. It is further submitted that it would not be appropriate to enlarge the applicant on bail during the pendency of the trial as the possibility of tampering with evidence cannot be ruled out.

3 Taking into consideration the fact that the trial has commenced, it would not be appropriate to release the applicant on bail. However, since the applicant is in jail for almost 4 years, the trial needs to be expedited. The learned Additional Session Judge, Satara, seized with the matter is requested to make an endeavour to conclude the recording of evidence in the present case, as far as possible within 9 months from the date of receipt of this order.

4 The application stands rejected and disposed of on the above terms.

(SMT. SADHANA S. JADHAV,J)