

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1314 OF 2016

Amit @ Dadya Rajaram More

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Arjun Rajput i/b Ms. Anjali Patil Advocate for Applicant.

Mr. Prashant Jadhav APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 22nd NOVEMBER, 2016.

PC :

1) This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested on 30/12/2015 in crime no. 102 of 2012 registered at Paud Police Station for offence punishable under sections 302, 201, 120 (B), 342, 143, 147, 148, 149 of the Indian Penal Code.

2) It is not the case that only the charge-sheet is filed but the prosecution has examined as many as more than 7 witnesses till today in Sessions Case No. 402 of 2013. In fact, this Court is not inclined to grant bail to accused in the midst of trial, however, the learned counsel for the applicant submits that by virtue of doctrine of parity, applicant deserves to be enlarged on bail.

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Implicit reliance is being placed on the order dated 01/08/2014, by which the principal accused Sanjay Ohale was enlarged on bail by this Court (Coram: Abhay M. Thipsay, J.) on the ground that the trial had not proceeded. In fact, considering the nature of evidence against Sanjay Ohale, application was earlier rejected by the same Court on 13/06/2013 and on 01/08/2014, bail was granted mainly on the ground that the trial had not proceeded. Thereafter, co-accused Tushar Hambir was enlarged on bail by this Court (Coram: Abhay M. Thipsay, J) vide order dated 19/07/2013. As on today, no case for bail is made as the trial has proceeded, 7 witnesses are examined.

3) Hence, application stands rejected.

(SMT. SADHANA S. JADHAV, J.)