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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1467 OF 2016

Lahu Ghanwat	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Satyavrat Joshi, for the Applicant.
Mr. Deepak Thakery, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 25th JULY, 2016.

P.C. :

1. The applicant/accused, in crime No.490 of 2014, registered with Chakan Police Station, for the offence punishable under Sections 302, 201 read with Section 34 of the Indian penal Code, by this application is seeking his release on bail.
2. Heard the learned counsel for the applicant/accused, who by pointing out the evidence of witness Vinayak Zunjurke, argued that star witness for the prosecution, has turned hostile and subsequently the trial is progressing at the snail's pace. My attention is also drawn to the earlier Bail Application bearing No.1138 of 2015 decided on 7th August, 2015 to submit that as star witness has turned hostile there is no possibility of

conclusion of trial in near future, the applicant is entitled for bail.

3. The learned APP opposed the application and submitted that as trial is being taken up, the applicant cannot be bailed out.

4. Perused the charge sheet as well as annexures to the present application. It is seen that Vinayak Zinjurke is the sole eye witness to the incident in question. By looking at his statement, this Court, on earlier occasion was pleased to reject the application for bail, moved by the present applicant. It is seen that prosecution has examined Vinayak Zinjurke on 5th April, 2016. Prior to that first prosecution witness Rohidas Zinjurke was examined on 11.01.2016. This witness was cross examined on 3.6.2016. Third witnesses namely Asha Mohan Zinjurke, came to be examined on 16th June, 2016.

5. The learned counsel for the applicant submitted that thereafter no prosecution witness is examined and trial is being protracted.

6. It is trite that once recording of evidence is started, then as per the mandate of section 309 of the Code of Criminal Procedure, recording of evidence is required to be done on day to day basis. In the case in hand, since January, 2016, only three witnesses are examined till June, 2016. At the same time it will not be proper to release the applicant on bail as that would hamper further proceedings in the trial. In this view

of the matter, the following order.

Order

I) Application is disposed of with a direction to the learned Additional sessions Judge, Khed, Rajgurunagar, District: Pune, to dispose of the pending Session case No.13 of 2015, between the parties within a period of six months from the date of receipt of writ of this Court.

II) In case trial is not concluded within the stipulated period, the applicant will be at liberty to move the application for bail afresh.

[A. M. BADAR, J.]