

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2019 OF 2015

Mahesh Narayan Panibhate

.....Applicant

V/s.

The State of Maharashtra

....Respondent

None for Applicant.

Ms. Veera Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 29th NOVEMBER, 2016.

PC :

1) None present for the applicant. On 28/09/2016, present application was heard by this Court. On that day, it was submitted before this Court that the Panchanama of seizure of CCTV footage formed part of the charge-sheet, however, the images captured in the CCTV footage did not form part of the charge-sheet. When this Court was considering the CCTV footage as incriminating circumstance, the learned counsel for the applicant had submitted that in the similar circumstance, this Court Hon'ble Justice P.D. Kode had granted bail in favour of one of the co-accused on the ground that CCTV footage was not working at that time.

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- 2) It is true that by an order dated 23/12/2014, co-accused Bala Chavan was enlarged on bail by this Court. A condition was imposed that Bala Chavan shall not enter into the jurisdiction of Yerawada Police Station and that he shall mark his attendance on every alternate Monday for a period of 3 months and not misuse the protection granted in his favour.
- 3) The learned APP submits that Bala Chavan is absconding and till today his whereabouts are not yet traced. It is pertinent to note that non-bailable warrant has been issued against accused no. 2 Bala Chavan.
- 4) On 24/07/2015, application filed by the present application bearing Criminal Bail Application No. 335 of 2015 was heard by Hon'ble Justice Mrs. Mridula Bhatkar. On that day the learned APP had made a statement that the charge is framed and the trial has commenced and that non-bailable warrant has been issued against accused no. 2 who was on bail and is absconding. This is a subsequent application filed by the same applicant. Today, the learned APP has filed on record the affidavit of senior P.I. attached to Yerawada Police Station. The affidavit is taken on record and marked as article 'X' for the purpose of identification. It is specifically contended that applicant happens to be habitual offender. He is being prosecuted in crime no.

6 of 2014 for offence punishable under section 302 r/w 34 registered at Bhosari Police Station and he is also being prosecuted for offence punishable under section 379 r/w 34 of the Indian Penal Code in crime no. 120 of 2014 registered at Yerawada Police Station.

5) On the last occasion this Court had also perused the Rozanama of the Sessions Case No. 419 of 2014 and it was seen that on several dates, the accused was not produced before the Court. It appears that the trial was being protracted firstly on the ground that accused no. 2 is absconding and secondly on the ground that application seeking enlargement on bail filed by the present applicant is pending before this Court since 12/10/2015. The learned Sessions Court seized with Sessions Case No. 419 of 2014 may separate the trial of the absconding accused, if necessary and shall proceed with trial forthwith.

6) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)