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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2334 OF 2015**

Sanjay Devsibhai Makwana

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Prabhakar Jadhav, Appointed as *Amicus Curiae*, for the Applicant

Mr.Arfa Sait, A.P.P for the Respondent-State

PSI – Bharat Salunkhe, Manikpur Police Station, District – Palghar.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th FEBRUARY, 2016

1. This is the second bail application preferred by the applicant. The first bail application of the applicant was rejected on merits by this Court vide order dated 22nd April, 2015 in Bail Application No.2726 of 2014.

2. Learned APP has produced a copy of the Roznama in the said case, which indicates that charge was framed on 30th December, 2015. He states that on 25th January, 2016, an application under Section 94 of the Code of Criminal Procedure was moved by the

prosecution and witness summons have also been issued in the said case.

3. Heard Mr.Jadhav, who is appointed as an *Amicus Curiae* to espouse the cause of the Applicant. The learned counsel states that the Applicant has been in custody since 4th October, 2013 and that there is no recovery of any weapon, at his instance. He states that it is only the complainant who has identified the present applicant. He states that the possibility of trial commencing in the immediate future also appears to be bleak. He therefore states that the applicant be enlarged on bail, more particularly since the offence is punishable under Section 307 of the Indian Penal Code.

4. Perused the papers. Vide order dated 22nd April, 2015, after considering the very same submission advanced by the learned counsel for the applicant, this Court had rejected the bail application. However, the trial of the applicant was expedited. Since charge has already been framed and witness summons have been issued, it would not be appropriate to consider the present application, more particularly, when the earlier bail application

was rejected on merits.

5. Accordingly, the Application for bail is rejected and disposed of as such.

6. This Court records the efforts taken by the learned counsel Mr.Jadhav, who has appeared as an *Amicus* on behalf of the applicant.

7. Registry to communicate the above order to the applicant, who is lodged in Thane Central Prison and the learned Sessions Judge, Vasai, District – Thane, who is seized of the said case being Sessions Case No.13 of 2014.

REVATI MOHITE DERE, J.