

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2468 OF 2015

Mr. Tanaji Hari Pawar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. P.B.Naiknavre h/f Mr. P.G.Chavan, Advocate for the applicant.
Mr. A.R.Patil, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 30th June, 2016.

P.C.

The learned APP submits that on 16.6.2016, the accused-applicant was produced before the Court. The charge has been framed long back and the matter is posted for recording of substantive evidence as witness summons have been issued.

2. The learned counsel for the applicant submits that despite the fact that the trial has commenced, the applicant deserves to be enlarged on bail on merits of the matter. This Court cannot be oblivious of the fact that specific role has been attributed to the present applicant. He is being charged for having committed the offences punishable under Sections 302, 394, 201 read with Section 34 of IPC. The evidence is yet to be recorded and, at this stage, it would not be appropriate to consider the matter on

merits when a specific role has been ascribed to the applicant in the charge-sheet.

3. On the earlier occasion i.e. on 4.3.2015 also, the matter was argued before this Court on merits since this Court had observed “Heard”. When the Court was not inclined to grant bail, the learned counsel for the applicant, upon instructions, had sought liberty to withdraw the application and the same was granted in the interest of justice. At that stage also, the charge was already framed as the Court had observed that charge was framed in the month of December 2015. Hence, this Court had expedited the trial. At that stage, it was also informed that the accused have criminal antecedents. It is in these circumstances that the accused-applicant does not deserve to be enlarged on bail at the stage of commencement of the trial as the possibility of tampering with the evidence and causing disappearance of evidence even at the stage of trial cannot be ruled out.

4. It is once again reiterated that the learned Sessions Judge shall make an endeavour to expedite the trial and conclude recording of evidence at the earliest.

Bail Application stands dismissed.

(SMT.SADHANA S.JADHAV, J.)