

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2483 of 2015

Ganesh Raghunath Bhoir .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Indrajeet Joshi, Advocate for the applicant.

Mr.Ganesh Gole i/b Ritesh Ratnam, Advocate for the intervenor.

Mr.A.R.Patil, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 9th FEBRUARY 2016

P.C. :

1 Heard the learned counsel for the applicant. Heard the learned APP for the State. Heard the learned counsel for the intervenor – mother of the victim.

2 The applicant had previously applied for bail, but the said application was rejected by an order dated 15th July 2011. The present application has been made on the ground that the son – aged 6 years – of the applicant is suffering from some ailment, and requires to be operated for which the applicant's being, at large, is necessary. It is specifically stated that no other ground is being urged in support of the Bail Application, in view of the rejection of the applicant's previous Bail Application. I find that applicant had made one application for bail earlier also on the same ground i.e. that his son was required to be hospitalized and

operated. This Court had granted temporary bail to the applicant on that ground. It was on 15th September 2015. Bail was granted for a period of four weeks. However, during that period, the surgery could not be performed on the applicant's son. According to the applicant, the medical condition of the son did not permit such surgery. After the expiry of the period of four weeks, the applicant surrendered before this Court.

3 I am informed that the recording of the prosecution evidence in the trial is over. The stage is for examination of the accused persons under the provisions of section 313 of the Code of Criminal Procedure. The learned counsel for the applicant submits that the applicant is not likely to lead any evidence in defence.

4 Under these circumstances, it appears to me that the trial is likely to be over soon. The applicant was previously released on the same ground on which he urges his release on bail now, but inspite of his being so released, actually no surgery was performed on his son which was the basis for releasing him on bail. Under these circumstances, I am not inclined to allow the application.

5 Application is rejected.

6 However, the trial Court shall complete the trial by delivering a judgment within a period of 2(two) months from today.

(ABHAY M. THIPSAY, J)