

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.937/2015

(Vitthal Marotrao Dhone..vs..State of Maharashtra, thr. PSO P.S. Wadgaon Road, Yavatmal)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R. M. Daga, Advocate for applicant.
Mr. Dhumale, A.P.P. for non applicant-State.

CORAM : A. B. CHAUDHARI, J.

DATE : JANUARY 8, 2016

Heard.

I quote paragraph 5 of the impugned order, which reads thus:

“5. The point that eye witness Kishor Pandit is dead will be considered at the time of trial. Hence, I am of the opinion that as there is prima-facie case against applicant/ accused and trial is ready for recording evidence of witnesses, applicant/accused is not entitled for bail. The allegations made against applicant/ accused are not like other accused persons who are released on bail. Hence, I am of the opinion that on this ground also applicant/accused is not entitled for bail.”

At any rate, learned A.P.P. for the State states that now the trial Court has fixed the trial from 8th February to 11th February.

That being so, I do not think it fit to release the applicant on bail. Hence, I make the following order.

ORDER

(i) Criminal Application No.937/2015 is rejected.

(ii) The trial Court is directed to complete the trial as per the scheduled programme. This Court further directs the trial Court to secure the properties which Mr. Daga, Advocate states, have not been produced.

(iv) Liberty is granted to the applicant to apply for bail in case the trial is not commenced.

(iii) Registry to communicate this order to the trial Court.

JUDGE

kahale