

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 CRIMINAL APPLICATION NO. 1591 OF 2017

CHAURANGINATH S/O. GORAKSHNATH LASHKARE
VERSUS
THE STATE OF MAHARASHTRA

Shri. J.V. Deshpande and Shri. B.N. Magar, Advocates, for
applicant.

Shri. A.A. Jagatkar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 13 April 2017

ORDER:

1) The application is filed for bail. Both the sides
are heard.

2) As the previous application was disposed of as
withdrawn by order dated 20-3-2015 and the Court had
considered the material available against the applicant
and had expressed that the Court was not inclined to
grant the relief of bail it was necessary for the applicant
to show that there has been change in circumstance. The
other application was dismissed for non prosecution on
31-8-2016.

3) The learned counsel for the applicant is using the circumstance that this Court in order dated 20-3-2015 had directed the trial Court to dispose of the case within one year from 20-3-2015. As the case is not disposed of, and even recording of evidence is not started, present application is made.

4) This Court has carefully gone through the record of investigation. The record shows that one Advocate was murdered by firing three bullets from country made pistol in the campus of Sub Registrar's office at Newasa at about 3.00 p.m. The persons who had come there to finish said Advocate had come together with preparation. There are specific allegations against the present applicant that he had held the said Advocate along with two other accused when other accused was firing bullet. Only after firing 3 bullets they left. Nobody dared to intervene in the incident. Name of the present applicant was mentioned in the F.I.R. Provision of section 120-B of the Indian Penal Code is used along with section 302 and there will be evidence on motive also.

5) Today, learned Additional Public Prosecutor produced record of antecedents of the present applicant showing that right from his minority he started committing offences. In the year 2011 he was minor and in that year he was involved in a crime punishable under sections 302/149 of the Indian Penal Code and other two offences. In the year 2013 he became major and he committed one more offence punishable under section 307 and in the year 2013 itself he go involved in the present matter. In view of these circumstances this Court holds that there will be danger to the prosecution witnesses from the present applicant and there is possibility of tampering with the witnesses. Though such direction was given in the past by this Court due to delay caused in completion of the case bail cannot be granted to the persons like the present applicant. This Court is expected that the case is expedited as the accused are behind the bars for more than three and half years. The application stands rejected.

Sd/-
(T.V. NALAWADE, J.)

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