

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.950 OF 2017

Amit Shah @ Amish Deepak Shah	Applicant
versus	
The State of Maharashtra	Respondent

Smt.Yogini Ugale for Applicant.
Ms.Rebecca Gonsalvez for Respondent no.1.
Mr.V.V.Gangurde, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 26th July 2017

PC :

1. This is an application for bail. The applicant is impleaded as accused in Special Case No.13 of 2009. The offences are registered under Sections 419, 420, 467, 468, 471 read with Section 120B of Indian Penal Code and under Section 13(2) read with Section 13(1) (d) of Prevention of Corruption Act, 1988.

2. The applicant was directed to be released on bail vide order dated 19th March 2009. However, the applicant did not attend the Trial Court for a period of about one year and non bailable warrant was issued against the applicant. The applicant was then arrested on 27th December 2016 and since then the applicant is in custody. The applicant preferred an application before the Special Court which has been rejected by order dated 5th January 2017 and 7th February 2017.

3. Learned counsel for applicant submits that the applicant was released on bail at the earlier point of time and for some reason he could not attend the Trial Court proceedings. It is submitted that even after arrest of the applicant, subsequently he is in custody for a period of about seven months. It is, therefore, prayed that applicant may be released on bail.

4. Learned APP submitted that the applicant has misused the bail granted to him and was absconding for more than one year. The trial has already commenced and about twelve witnesses are already examined. It is submitted that if applicant is released on bail, he may not be available for trial which already in progress. It is, therefore, submitted that the application may be rejected.

5. Considering the fact that trial has already commenced and twelve witnesses are examined, bail can not be granted to the applicant. Accordingly, this application is rejected.

6. The Trial Court is expected to conclude the trial expeditiously. In case trial does not get concluded within a period of six months from the date of receipt of copy of this order, the applicant is at liberty to prefer fresh application for bail.

(PRAKASH D. NAIK, J.)