

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1085 OF 2016

Kedar Vishnu Patil.	..Applicant.
vs.	
State of Maharashtra.	..Respondent.

Mr. Ganesh Bhujbal i/by GMS Legal for the Applicant.
Ms. A.A. Takalkar, APP. for the State.
Ms. Naima Shaikh for Respondent No.2.

CORAM : A.S. GADKARI, J.
DATE : 24th February, 2017

PC:

1. This is the second bail application preferred by the applicant. The earlier bail application was rejected on merits by this Court by an order dated 17.11.2015. The learned counsel for the applicant was heard at length on 27.1.2017. A statement was made at the relevant time that the bail application of the co-accused namely Nagraj Vishnu Patil was pending consideration before this Court. Today, the learned APP informed that the said application has been unconditionally withdrawn by the said co-accused and the Court has recorded the said fact in its order. The learned counsel for the applicant

today submitted that the mother of the applicant has filed writ petition for further investigation and the same is pending for adjudication. She further submitted that after 27.1.2017 the applicant has come across with some documents which were suppressed by the police while submitting the charge sheet and which substantiate the plea of the applicant of alibi, as he was at Goa at the relevant time.

2. It is needless to mention that in earlier order dated 17.11.2015 this Court has recorded that there are three eye witnesses to the alleged crime showing involvement of the applicant. The submission that a writ petition at the instance of the mother of the applicant is pending for consideration is not appellable, as it prima facie appears to me that the applicant wants to establish the defence by adopting various remedies. Be that as it may, in my considered opinion there is no change, least to say any substantial change in the circumstance is pointed out after the order dated 17.11.2015 passed by this Court. The application is de hors of any merits and accordingly rejected.

3. It is noticed that the applicant is in Jail since 29.1.2015. In the circumstances, the Additional Sessions Judge,Thane ceased of the trial pertaining to CR No.74/2015 registered with Mumbra Police Station, District Thane and culminated in Sessions Case No.227/2015 is hereby directed to expedite the trial.

4. Application is rejected in the aforesaid terms.

(A.S.GADKARI, J.)