

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1497 OF 2017

SHAILESH NAMDEO PATIL alias BHAMARE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Nitin Choudhari i/b. Mr.Vivek Salunke, Advocate for the Applicant.

Ms.PN.Dabholkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 29th SEPTEMBER 2017

P.C. :

1 This is second bail application in Crime No.198 of 2013 for offence punishable under Sections 395, 341, 170 of the Indian Penal Code (IPC) registered with Manmad City Police Station, District Nashik.

2 Heard Shri Choudhari, the learned advocate appearing for the applicant / accused. He pointed out that in Crime No.234

of 2013 registered against the applicant / accused at Jawad, District Ajmer and in Crime No.303 of 2013 registered against him at Pipliya Police Station, Madhya Pradesh, the applicant / accused has already been released on bail. On his instructions, the learned advocate submits that in Crime No.234 of 2013, the applicant / accused has already been acquitted by the court at Rajasthan. With this, the learned advocate further pointed out that the applicant / accused is behind bar for 3 years but as yet the charge is not framed. Therefore, according to the learned advocate for the applicant / accused the applicant is entitled for bail.

3 The learned APP opposes the application by pointing out earlier order dated 14th July 2016 whereby a similar application of the applicant / accused was rejected.

4 Perusal of the order dated 14th July 2016 which was passed after filing of charge-sheet does not show that the same was rejected on the consideration that two crimes for offences of similar nature were registered against the applicant / appellant.

Therefore, his release on bail in those crimes does not amount to change in circumstance warranting entertainment of the second bail application. Delay in trial can be taken care of by directing the trial court to expedite the trial. Therefore the order :

ORDER

- i) The application is rejected.
- ii) The learned Sessions Judge, Nashik, is directed to expedite the hearing of the sessions trial against the applicant / accused.
- iii) The learned Sessions Judge, Nashik, is requested to take all possible efforts to dispose of the appeal within a period of one year from the date of communication of this order to him.

(A. M. BADAR, J.)