

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL BAIL APPLICATION NO. 1913 OF 2017**

|                          |     |            |
|--------------------------|-----|------------|
| Rohan Chandrakant Gaykar | ... | Applicant  |
| Vs.                      |     |            |
| The State of Maharashtra | ... | Respondent |

Mr. Aniket Vagal, for the applicant.

Mrs. S.S. Kaushik, APP, for the State.

Mr. K.J. Kadam, PSI, Santacruz Police Station present.

**CORAM: SMT. SADHANA S. JADHAV, J.**  
**DATE : 15<sup>th</sup> September, 2017.**

**P.C.**

This is a third application seeking enlargement on bail on ground of parity. The earlier application was rejected on 18.11.2016 and it appears that on 17.7.2017, the co-accused - Irfan Maulana Sayyed was enlarged on bail by this Court and, therefore, the present applicant once again prays for enlargement on bail on the ground of parity.

2. The learned APP submits that charge is framed in the present case.

3. The learned counsel for the applicant submits that the trial is moving at a snail's pace since the Special Court is not available and matters are being transferred to the Sessions Court and that there are only formal dates and therefore the applicant deserves to be enlarged on bail. In the

earlier order dated 18.11.2016 also there was a ground of parity which was not considered by this Court. The learned counsel for the applicant vehemently submits that it would be necessary to re-appreciate the material on record as on 18.11.2016, it was submitted that the accused is being prosecuted in another case. However, the applicant is acquitted in the said case. The learned counsel further submits that the applicant herein was not an associate of Zulfikar. It appears from the order dated 18.11.2016 that upon considering the submissions of the learned APP, this Court is of the opinion that it would not be possible to express an opinion or record subjective or objective satisfaction that the applicant may not commit any offence or similar offence. Same is the position as on today. In view of this, the application stands rejected.

5. However, it is made clear that the learned Special Court shall not be influenced by these observations and decide the case on its own merits as expeditiously as possible.

The Application stands disposed of.

**[SMT. SADHANA S.JADHAV, J.]**