

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.699/2017

Mahendra Madanlal Agrawal .vs. State of Maharashtra through PSO P.S.
Wardha, City, Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. A. Naik, Advocate for applicant.
Mr. V. P. Gangane, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 11, 2017

Heard learned counsel for the parties.

This is the second bail application on the part of the applicant to get himself released on bail from this Court. On earlier occasion, he along with his wife filed an application for bail before this Court. The said application was registered as Criminal Application (BA) No.439/2015. On 02.09.2015, this Court, looking to the nature and gravity of the offences and noticed that victims are financially oppressed persons and they were allured by the accused persons and therefore rejected the said application.

According to the applicant thereafter the applicant approached the Hon'ble Apex Court by filing Special Leave Petition (Criminal) No.10066/2015. The order passed by the Hon'ble Apex Court dated 15.02.2016 is placed on record at Annexure "D" of the present application. The Hon'ble Apex Court, after having regard to the facts of the case, refused to interfere and dismissed the said Special Leave Petition. However, the Hon'ble Apex Court made it

clear that it will be open for the applicant to move the learned trial Court for grant of bail after the trial Court passes order on decides on framing of charges. The charges were framed in Special (MPID) Case No. 1/2015. In all 29 witnesses were examined. Thereafter the present applicant moved an application for bail. The charge was framed on 06.06.2015 and the bail application was filed before the learned Court below on 13.02.2017 at Exh.-76. The trial Court rejected the said application on 09.06.2017.

While rejecting the application, the learned Additional Sessions Judge observed that till the date, 29 witnesses were examined by the prosecution and trial is at the verge of completion and the matter can be decided at the earliest.

The applicant did not file the application at the earliest after framing of the charge as per the liberty granted by the Hon'ble Apex Court. However, the application was filed after the prosecution examined in all 29 witnesses. From the order passed by the learned trial Court, it is clear that the trial is on the verge of completion. Further, no change in the circumstances is pointed out to this Court by the applicant for exercising powers under Section 439 of the Code of Criminal Procedure.

In that view of the matter, the application is devoid of any substance hence it is rejected.

JUDGE