

*Nalawade*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTIONBAIL APPLICATION NO. 535 OF 2017
Sanjay Sharma vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Viral Rathod for the Applicant.

Shri. A.A.Palkar, APP for the State.

CORAM : A.S.GADKARI, J.**DATE : 31st January, 2018**

PC:

1. The present application is received through Jail, for bail.
2. By an order dated 3.3.2017 Advocate Mr. Viral Rathod was appointed as Amicus curiae to espouse the cause of the applicant .
3. Heard Shri. Viral Rathod, the learned Amicus curiae at length and the learned APP. Perused the charge sheet.
4. Mr. Rathod vehemently submitted that there is no incriminating material on record to connect the applicant with the present crime. He submitted that except the statement of one witness indicating that the applicant was last seen together in the company of deceased Mahendranath Pandey there is no other material. He submitted that the applicant is a poor person and he is earning his livelihood by plying auto rickshaw. He therefore, prayed that the applicant may be released on bail during the pendency of the trial.

5. Per contra, the learned APP submitted that the trial of the present accused has already commenced and the the Trial Court has issued witness summons and the case is now scheduled on 1.2.2018 for recording evidence of the witnesses.

6. The present offence has been committed on 21.2.2002 and the applicant has absconding upto 24.2.2015. Thus, it appears that, the applicant was absconding for a period of about 13 years. In view of the above, I am not inclined to release the applicant on bail.

7. The offence is of the year 2002 and as noted earlier the Trial of the present crime has already commenced. In view thereof, the learned Additional Sessions Judge seized of the matter in CR No.47/2002 dated 22.2.2002 registered with Nalasopara Police Station, Dist. Thane is hereby requested to make an endeavour to expedite the trial of the said case. The applicant is granted liberty to file a fresh application for bail before the Trial Court if the trial of the aforesaid case is not concluded within a period of one year from today.

8. Application is disposed off in the aforesaid terms.

(A.S. GADKARI, J.)