

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

**CRIMINAL BAIL APPLICATION NO. 580 OF 2018
IN
CRIMINAL APPEAL NO. 443 of 2014**

Zhakir Mehfuj Alam Shaikh	Applicant
v/s.	
The State of Maharashtra	Respondents

Mr. Y.B.Lengare for the applicant.
Mr. J.P.Yagnik, APP for the State.

**CORAM : NARESH H. PATIL, C.J.
& A.M.BADAR, J.**

**28th November, 2018.
(IN CHAMBER)**

P.C.

This is the 3rd bail application made by applicant for releasing him on bail. The applicant was convicted and sentenced by Sessions Court by judgment and order dated 26th March, 2014 passed by the Addl. Sessions Judge, Vasai in Special Case No.5 of 2013.

2. The learned Counsel Mr.Lengare appearing for applicant submits

that applicant is innocent. He is 57 years old. There is no medical evidence against him. Independent witnesses are not examined by the prosecution. Learned Counsel submitted that hearing of appeal is already expedited by an order dated 21st March, 2016 passed by us in Criminal Application No. 916 of 2015.

3. Learned APP opposed the application for bail. It is submitted that hearing of appeal is expedited, the applicant may take appropriate steps. It is further submitted that on merits there is no case made out for releasing the applicant on bail as there is no change in circumstances.

4. We have perused the earlier orders passed by this Court. From the judgment of the trial Court it reveals that prosecution examined 3 witnesses i.e. PW1 daughter of applicant, PW2 son of the applicant and PW4 Dr. Gaikwad, Medical Officer who examined the applicant. The allegations made by the prosecution are serious. However, the entire evidence would be appreciated as and when appeal is taken up

for final hearing.

5. As hearing of the appeal is already expedited and in view of the observations made by us, no case is made out for releasing the applicant on bail. The application is rejected.

6. At this stage, the learned Counsel for the applicant seeks liberty to mention the matter before the appropriate Court for listing the appeal for final hearing. The applicant is at liberty to do so.

A.M.BADAR, J

CHIEF JUSTICE

L.S. Panjwani, P.S.