

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

BAIL APPLICATION NO.1413 OF 2018

Dutta @ Yogesh Bapu Kamble Applicant

Vs.

The State of Maharashtra Respondent

Ms. Anjali Patil for the Applicant.

Mr. Prashant Jadhav, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 8th August, 2018

P.C.:

1 This is a subsequent application. The earlier application was rejected firstly on 24th November 2016 on merits and thereafter on 8th December 2017 by observing that there is no change in circumstance. In the order dated 8th December 2017, this Court had observed that the learned District Judge shall separate the trial of the original accused no.1 and proceed with the framing of charge.

2 Learned counsel for the applicant submits that charge was framed against the present applicant in the year 2015. Except change in the advocates on all three occasions, there is no change in the circumstance. Learned counsel for the applicant submits that the applicant herein is in custody since 30th December 2013 and hence on account of the delayed trial, he deserves to be enlarged on bail. The applicant has been charged with the offence punishable under Section 302 read with 34 of Indian Penal Code.

3 Taking into consideration the period of incarceration, the learned District Judge, Pune seized with Sessions Case No.253 of 2014 shall take into consideration the period undergone by the applicant and proceed with the trial within three months from the date of this order and shall conclude recording of the evidence as far as possible within eight months from the first date of recording of substantive evidence.

The application stands disposed of.

(*Smt. Sadhana S. Jadhav, J*)