

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

BAIL APPLICATION NO. 1491 OF 2018

Sunil Babulal Yadav	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Vijendrakumar Rai I/by Iram Sayed & Prite Jaiswal for the applicant.

Ms. P.N. Dabholkar, APP for the Respondent-State.

Mr. Vitthal Shinde, Inspector (Traffic) present in person.

...

CORAM : PRAKASH D. NAIK, J.
DATE : 8th AUGUST, 2018.

P.C.

1. This is an application for bail. The earlier application was rejected by this Court by order dated 18th September, 2017. Prior to that Criminal Application No. 1193 of 2017 seeking bail before this Court was withdrawn on 23rd June, 2017. In the said order it was observed that after arguing the application for some time on instructions learned advocate for the applicant seeks withdrawal of the said application.

2. Bail application No. 1807 of 2017 was rejected on merits by order dated 18th September, 2017. While rejecting the said application, the trial Court was directed to complete the trial

within six months from the date of receipt of the order.

3. Learned counsel for the applicant submits that there are discrepancies in the statement of the witnesses. Age of the victim was represented to be 11 years which is not correct and it is falsified by the medical report. It is submitted that in the medical report the age of the victim appears to be 15 to 16 years. It is submitted that the applicant is in custody since last three years. It is also submitted that the statement of witnesses do not involve applicant.

4. Learned APP on instructions submitted that the prosecution had examined near about eight witnesses. It is further submitted that the accused had preferred application for recall of four witnesses which has been allowed by the trial Court and the matter is kept for recording the evidence. It is further submitted that earlier application preferred by the applicant has been rejected by this Court on merits and no new ground is made out for reconsidering the bail application.

5. On perusal of the earlier order passed by this Court, it is apparent that the application has been rejected on merits by assigning reasons. It is also noted that the trial has proceeded in pursuant to the rejection of application for bail and eight witnesses

were examined by the prosecution. Presently, evidence of the witnesses which were recalled at the instance of the accused is to be recorded. Submissions advanced by the counsel for the applicant does not point out any change in circumstances. The arguments with regards to discrepancy relating to age of the victim will be subject matter of the trial.

6. In the circumstances, no case is made out for grant of bail. Bail application stands rejected.

Digitally
signed by
Sachidanand
Kuttan Nair
Date:
2018.08.13
18:07:57
+0530

(PRAKASH D. NAIK, J.)