

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

BAIL APPLICATION NO. 2674 OF 2017

Tushar @ Todidul Islam Gazi.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Ms. Pooja Sejpai i/b. Mr. Nitin Sejpai, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 9, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 By an order dated 26/9/2017 the applicant filed by the co-accused was rejected. Earlier Court (Coram : A.S. Gadkari, J) had observed that the case is based on ocular evidence.

3 The learned APP upon instructions submits that the trial has commenced and the prosecution has recorded evidence of one witness

and next scheduled date is 11/1/2018. There is a direction that the Sessions Case No. 10/2016 be concluded within period of one year.

4 It is in these circumstances that it would not be appropriate to consider and to hear the application filed by the present applicant under section 439 of the Code of Criminal Procedure, 1973 on merits in the midst of the trial.

5 Hence, the application stands disposed of.

(SMT. SADHANA S. JADHAV,J)