

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

BAIL APPLICATION NO.120 OF 2019

Ashwini Kunal Ashok Kumar Singh .. Applicant
Versus
State of Maharashtra .. Respondent

Mr. Mohammed Umar Kazi for applicant
Mr. Prashant Jadhav, APP for State
Mr. M.D.Sawant, P.I. Shivaji Nagar Police Station.

CORAM : PRAKASH D.NAIK , J.

DATE : 23rd January 2019.

P.C.

This is an application for releasing the applicant on bail for a temporary period of twelve days to attend the marriage of his real sister. The applicant is being prosecuted for the offences under section 302 and 394 IPC vide C.R.No.I-194 of 2014.

2] It is submitted that the applicant was earlier granted temporary bail by the sessions court to attend marriage ceremony of his sister. He had attended the said ceremony and by complying with the conditions of bail he had surrendered. It is submitted that

the applicant is willing to comply with such conditions as may be imposed by this Court for granting temporary bail.

3] Learned APP submitted that the prosecution has examined about 10 witnesses including the approver i.e. P.W.10, whose evidence is still in progress. It is further submitted that on the earlier occasion when the temporary bail was granted by the sessions court for a period of 11 days, the situation was different. However, now, the trial has already started. It is further submitted on instructions that some of the witnesses are likely to attend the marriage ceremony and there is every likelihood of tampering with the prosecution witnesses. It is submitted that if the applicant is granted bail, considering the circumstances prevalent, he might abscond.

4] The application for bail preferred for attending the marriage of his sister is rejected by the sessions court for the reasons mentioned in the order dated 10th January 2019. The marriage of applicant's sister is being solemnised on 27th January 2019 at Patna. The applicant is facing trial under sections 394 and

302 of Indian Penal Code. P.W.10 is under cross examination. According to prosecution witness is friend of accused and possibility of tampering witness or absconding by accused cannot be ruled out. Considering the fact that the trial has already proceeded and about 9 witnesses are examined and 10th witness is under examination and in the circumstances stated hereinabove, I do not find that a case for grant of bail is made out. There is substance in the objections raised by the prosecution. In view of these objections the application is rejected.

(PRAKASH D.NAIK, J.)