

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION No.238 OF 2019**

Rajesh Jelidar Singh ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Nilesh Ojha with vijay Kurle, Mansi Jain, Shivam Mehta, Ellammal Thandapani, Abhay Singh i/b Pradeep Singh for the Applicant

Mr.A.R. Patil, APP, for the Respondent – State

Mr.R. D. Suryawanshi for Resp. No.2

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JANUARY 25, 2019**

P.C.:

1. This is a second Bail Application made by the applicant/accused, who is facing charges under sections 302, 120B r/w 34 of the Indian Penal Code and also under sections 3, 25 of the Arms Act. This Court has earlier rejected the Bail Application No.1360 of 2015 of the applicant/accused on 30.3.2016.

2. The learned Counsel for the applicant/accused submits that the trial has commenced on 20.6.2017 and till today, evidence of 27 witnesses is recorded. He points out the order dated 1.8.2016

passed by the Supreme Court directing the trial Court to dispose of the matter as expeditiously as possible. He prays that the trial is delayed and, therefore, the Bail Application has to be decided as the evidence of the witness one Raju Mishra, who allegedly has deposed against the accused, is recorded.

3. Learned Prosecutor as also the learned Counsel, who is instructed by the Intervener, pointed out that still, evidence of 16 to 17 witnesses is to be recorded and the trial is going on a day to day basis. The evidence of 27 witnesses is recorded, hence, I am of the view that it is judicially not appropriate to decide this second Bail Application on merits, when the accused is facing trial under section 302 of the Indian Penal Code. In view of these facts and circumstances, this second Bail Application cannot be allowed and hence, the following order is passed:

- i) The Bail Application is dismissed.
- ii) The learned trial Judge is directed to go on with the trial on a day to day basis and conclude the same on or before 31.3.2019.

(MRIDULA BHATKAR, J.)