

2. The contention of the learned Counsel for Applicant is, on merit the Bail Application No. 704 of 2016 came to be rejected on 14th June 2016. Thereafter co-accused Saurabh Choudhary – Juvenile in conflict with law has confessed to the commission of crime and was

convicted by the Principal Magistrate of Juvenile Justice Board, Nasik vide order dated 29th August, 2016.

3. The learned Counsel then would invite attention of this Court to the order dated 28th April, 2017 claiming that the complainant in the present crime Pralin Baviskars has fired at Saurabh, the aforesaid Juvenile in conflict with law. Regular bail Application of Pralin vide order dated 28th April 2017 in Bail Application No. 245 of 2017 was allowed. In the aforesaid change in circumstances and background, it is pointed out that the Applicant has moved another application being Bail Application No.1478 of 2017. While rejecting the said Application, this Court has expedited the trial to be concluded within a period of one year from the date of communication of the order.

4. In the aforesaid background, relying upon the Judgment of the Apex Court in the matter of ***Balkrishna Tukaram Angre V/s State of Maharashtra***¹ the learned Counsel submits that if the case is based on the circumstantial evidence, the Applicant is entitled to be released on bail. According to the learned Counsel since for last more than three years the

¹ 2017(0) Supreme (SC) 965

Applicant is behind the bars in a crime which is based on the circumstantial evidence, the Applicant deserves to be released on bail.

5. The learned APP opposed the claim and submits that the order passed by this Court rejecting the prayer for bail in categorical terms recorded the reasons so as to pin-point *prima facie* involvement of the Applicant in the crime in question. Even if the case is based on the circumstantial evidence, the learned APP had relied on material on record for rejection of the prayer.

6. Considered rival submissions.

7. The reasons recorded by this Court in order dated 14th June 2016 are still germen to the cause of rejection of prayer for bail and present accused. Even at this stage of proceedings for the reasons that the strong circumstantial evidence as was considered pin-points the *prima facie* involvement of the Applicant in the crime in question. Even if the Applicant is a student and is behind the bars for last more than three years that by itself will not dilute the strong circumstantial evidence available on record against the Applicant.

8. Apart from above, even if the co-accused Saurabh Choudhary, a juvenile in conflict with law vide order dated 29th August, 2016 was convicted after having pleaded guilty, said factor is required to be considered adverse to the interest of the Applicant. As such I hardly noticed any reason which warrants the release of the Applicant in the crime in question.

9. As such, the present Application fails. Hence the same stands rejected.

10. At this stage the learned Counsel for Applicant submits that the order of expediting the trial while rejecting the bail passed on 21st September 2017 is not taken to its logical end as the investigation agency has neither produced the muddemal property nor the learned Presiding Officer has taken efforts to conclude the trial.

11. In the aforesaid background, having regard to the fact that the matter was investigated by the Crime Investigating Department (Unit – I) The Deputy Commissioner of Police (Crime), Nasik City shall ensure the production of the muddemal property in Crime No. I-7/2016 registered

under Sections 302, 201, 364-A, 384 read with Section 34 of the Indian Penal Code within a period of three weeks from today.

12. It shall be the duty of the learned APP to communicate this order to the Deputy Commissioner of Police – Incharge of Crime under the Commissioner of Police at Nasik.

13. The Principal District Judge, Nasik shall ensure that the order of this Court passed on 21st September 2017 is taken to its logical end. Let the trial in the matter be concluded in any case within a period of four months from the date of production of muddemal property.

14. The observation made herein is based on the evidence looked into at this stage. Same will not influence the merits of the trial.

(NITIN W. SAMBRE, J.)