

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2078 OF 2019

Bharat Harishchandra Baikar

Applicant

versus

The State of Maharashtra

Respondent

Ms.Sonal Parab with Ms.Prajakta Kale I/by Rajeev Sawant and Associates for applicant.

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

Mr.M.A.Rane, PSI Vile Parle Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th August 2019

PC :

1. This is second application for bail. The previous application was rejected vide order dated 13th December 2018. Pursuant to the order dated 25th July 2019 passed by regular Court, the application has been listed before me.

2. While adjudicating the earlier application for bail, the Court has taken into consideration several grounds raised by the applicant and the co-accused and by assigning reasons the said application was rejected. The contention of learned counsel for applicant is that some of the points were not argued before the Court while deciding the earlier application. Learned counsel pointed out the discrepancy as regards the identity of the applicant by contending that he was not known to the victim and that there is no identification parade. Learned counsel also submitted that there is no panchanama u/s 27 of the Evidence Act qua the applicant. It is also submitted that there

is infirmity with regards to seizure of the cell phone and there are contradictory versions in the evidence collected during investigation. It is also submitted that the applicant is in custody since arrest and the trial has not yet commenced.

3. Learned APP submitted that this is second application for bail. The earlier application was rejected by this Court by assigning cogent reasons. It is also submitted that the purported discrepancies pointed out by the learned counsel for applicant will have to be adjudicated at the time of trial.

4. The earlier application was rejected by giving reasons. There is no change in the circumstances to grant bail to the applicant in the second application for bail. The co-accused Saurabh Suresh Rane had preferred second application for bail before this Court, which has been disposed of vide order dated 1st August 2019. The said application was allowed to be withdrawn as the Court was not inclined to grant relief therein. The hearing of the trial was, however, expedited. Taking into consideration aforesaid circumstances, no case is made out for reconsidering prayer for grant of bail.

5. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2078 of 2019 is rejected.

(PRAKASH D. NAIK, J.)