

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

CRIMINAL BAIL APPLICATION NO.2528 OF 2019

Pradip Gulabrao Devtale Applicant

Vs.

State of Maharashtra Respondent

Mr. Hasan Kazi a/w Shraddha Vavhal for the Applicant.
Mr. S.V. Gavand, APP for State

Coram : NITIN W. SAMBRE, J.

Date : 12th December 2019

P.C.:

1. On 14th February 2019, while deciding the bail application of the applicant being Criminal Bail Application No. 1166 of 2018, since this Court was not inclined to grant bail, the same was dismissed as withdrawn with liberty to approach afresh before the learned Sessions Court in case of any change in circumstances are noticed.
2. Heard learned counsel for the applicant.
3. Admittedly there are no change in the circumstances.

4. The bail is sought on the ground of delay in concluding the trial. It is claimed that four accused are absconding and prayer for separation of trial moved by the applicant was rejected by the learned Magistrate on 25th March, 2019, as the trial is stayed in Criminal Writ Petition No. 886 of 2017 on 1st November, 2017 by this Court.

5. As such the submissions are for the delay in trial, the applicant cannot be blamed and is entitled for bail.

6. The prayer for separation of trial though was rejected by the learned Magistrate for the reason of operation of stay in Writ Petition No. 886 of 2017 referred by one of co-accused, the applicant has not taken any step to get clarified the order dated 1st November, 2017 passed in Writ Petition No. 886 of 2017, wherein stay was ordered.

7. Apart from above, the fact remains that there are no change in circumstances after this Court has permitted withdrawal of the Bail Application on 14th February, 2019 .

8. In the aforesaid background, there is hardly any material which warrants reconsideration of the case of the applicant for grant of

bail.

9. The application as such fails, stands rejected.

10. Liberty to the applicant to move for framing of charge in view of the clarification ordered by the learned Magistrate. That stay order is restricted to the extent of said accused only.

11. If the charge is not framed within a period of six months, liberty to move afresh.

(NITIN W. SAMBRE, J.)