

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

BAIL APPLICATION NO. 2710 OF 2018

Mr.Abhishek @ Bappa Apurva Kasbe ...Applicant.

Vs.

The State of Maharashtra ...Respondent.

Mr. Vaibhav V.Ugle for Applicant.

Mr. Prashant Jadhav, APP for Respondent/State.

Mr.Tajanji Sarde PN No.3728 from Khadak Police Station present.

CORAM : P.N. DESHMUKH, J.

DATE : 19TH MARCH, 2019

PC :

1. Learned APP. seeks time for want of instructions as Investigating Officer is not present.

2. Learned APP. submits that, this is subsequent application after rejection of earlier application by this court by its order dated 4.3.2019. Learned counsel for applicant submits that, application is

tenable as there are change of facts and circumstances inasmuch as by order dated 8.8.2017 in spite of directions to trial court to decide sessions case within one year from the date of receipt of order, trial is not concluded. Another ground put forth to establish tenability of application, as mentioned is that, pending this application, co-accused Tejas is granted bail by this court by its order dated 4.3.2019 observing that complainant and other witnesses have not supported prosecution and as such, applicant therein was released on bail. Learned APP. makes a statement that, evidence of Investigating Officer alone is yet to be recorded and further makes a statement that sessions trial is fixed for recording evidence today.

3. Considering the order of this court expediting trial would be concluded within one year, this direction admittedly is not complied and pending this application co-accused is released on bail by observing that complainant as well as other witnesses turned hostile, application failed is thus, finds to be tenable and is allowed as per order passed below.

ORDER

- a) Applicant shall be released on bail in CR No. 66 of 2015 for an offence punishable under Sections 307, 120-B, 143, 144, 147, 148, 149 of Indian Penal Code, Section 3(25) (1) (b), 5(27) (1) 4 (25) of Arms Act, Section 37(1)(3) read with Section 135 of Maharashtra Police Act and Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act 1999 on executing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- b) Applicant shall remain outside the revenue jurisdiction of Pune District, but for attending the trial.
- c) In case, if the applicant is found involved in the similar type of offence, prosecution is at liberty to move for cancellation of bail.
- d) Bail Application is disposed off as allowed.

(P.N. DESHMUKH, J.)