

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 3315 OF 2018**

Bhimrao Narayan Ahire

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Niranjan Mmundargi I/by Hulyalkar & Associates for the Applicant.

Mr. Amit Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 18th MARCH, 2019.

P.C.:-

The Applicant had earlier preferred an Application for bail bearing No.2040 of 2018. The said Application was disposed of as withdrawn by the co-ordinate bench (Shri Nitin W. Sambre, J.) by its Order dated 21st November, 2018. By the said Order, the Applicant was granted liberty to approach afresh before the learned Trial Court if the trial is not concluded within one year from the date of passing of the said Order. In view of the decisions of the Hon'ble the Supreme Court in the cases of *State of Maharashtra Vs. Captain Buddhikota Subha Rao*, AIR 1989 SCC 2292 and *State of Bihar Vs. Rajballav Prasad alias Rajballav Prasad Yadav* (2017) 2 SCC 178, this matter ought to

have been placed before the same co-ordinate Bench.

As the co-ordinate Bench is not available, this Application is taken up for hearing by this Court.

The record clearly indicates that, the period enumerated by Order dated 21st November, 2018 is not yet over and in furtherance thereof, the Applicant without approaching the Trial Court has filed the present Application.

2 There is no change in the facts and circumstances than which was prevailing on 21st November, 2018. I find no reason to entertain the present Application and the same is accordingly dismissed.

(A.S. GADKARI, J.)