

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.133 OF 2019

(Dayanand Manik Shewale Vs. State of Maharashtra thr. PSO PS Borakhedi,
Tq. Motala, Dist. Buldana)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri S.D. Chande, Advocate for Applicant.
Shri B.M. Lonare, APP for Non-Applicant/State.

CORAM: M.G. GIRATKAR, J.

DATE: 25th FEBRUARY, 2019.

Heard Advocate Shri Chande for the applicant.

He has submitted that previous bail applications are rejected. The trial Court is recording evidence of prosecution witnesses. One complainant is turned hostile. There is no material evidence against the applicant. Hence, he is entitled for bail. Learned counsel has pointed out judgment in case of *Raju s/o Vitthalrao Bhadre v. State of Maharashtra* and submitted that it is change in circumstances therefore, he moved before the trial Court it is wrongly rejected by the trial Court.

Shri Lonare, APP has submitted that the prosecution has not closed their case there may be other evidence on record which may connect the accused for the trial. Therefore, evidence of one or two witnesses are not sufficient to decide the trial. Therefore, application is liable to be rejected. From the perusal of the cited judgment it

appears that evidence of change of circumstances and protection accused was applicant allowed to move before the trial Court.

Admittedly, the trial is commenced and two-three witnesses are examined by the prosecution. The trial Court will decide the trial within a short period. If the applicant is released on bail there may be possibility of absconding. Hence, the applicant is not entitled for bail. The application is rejected. However, the trial Court is directed to expedite the trial.

JUDGE