

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 320 OF 2020**

Ajit Eknath Bhagat	...Applicant/Accused
Versus	
The State of Maharashtra	...Respondent

**WITH
INTERIM APPLICATION NO. 1 OF 2020
(FOR INTERVENTION)
IN
CRIMINAL BAIL APPLICATION NO. 320 OF 2020**

Nayan Bhagwan Bhagat	...Intervenor/ Orig. Complainant
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IN THE MATTER BETWEEN :

Ajit Eknath Bhagat	...Applicant/Accused
Versus	
The State of Maharashtra	...Respondent

Mr. Ashok Mundargi, Sr. Counsel a/w Ms. Sana Raees Khan and Ms. Aisha Shaikh for the Applicant/Accused

Ms. P. P. Shinde, A.P.P for the Respondent-State

Mr. Shailesh D. Chavan for the Intervenor/Complainant

**CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th MARCH 2020**

P.C. :

1 Heard learned senior counsel for the applicant.

2 This is the second bail application. By this second bail application, the applicant seeks his enlargement on bail in connection with C.R. No. I-309 of 2018 registered with the Mumbra Police Station, Thane, for the alleged offences punishable under Sections 307, 143, 144, 147, 148, 149, 504, 506(2) of the Indian Penal Code; under Sections 2, 4 and 25 of the Arms Act and under Sections 37(1)(3) and 135 of the Maharashtra Police Act.

3 Learned senior counsel for the applicant submits that the change of circumstance is, passage of eight months, since the rejection of the applicant's first application for bail. He submits that the trial of the applicant has not commenced till date.

4 Learned A.P.P as well as the learned counsel for the complainant oppose the application. They submit that the applicant himself is responsible for the delay in the commencement of the trial, inasmuch as, the applicant had not engaged an advocate till December 2019 to represent him. Learned A.P.P states, on instructions, that now witness summons have been issued and the matter is posted by the trial Court on 11th March 2020.

5 The applicant's first bail application was rejected on merits, considering the nature of allegations and the injuries sustained by the complainant. The said order is on page 135 of the application. The applicant has one antecedent and that the present offence has been committed whilst on bail in another offence. The possibility of the applicant tampering with the witnesses also cannot be ruled out. As noted earlier, the applicant himself is responsible for the delay in commencement of the trial and as such the same cannot be a change of circumstance in the facts of the present case.

6 Considering the aforesaid, there is no merit in the application. Application is rejected. However, the trial of the applicant is expedited. The trial Court to decide the case as expeditiously as possible and preferably within 16 months from the date of receipt of this order.

7 In view of the above order, the intervention application being Interim Application No. 1 of 2020 does not survive. The same is disposed of.

REVATI MOHITE DERE, J.