

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

CRIMINAL APPLICATION (BA) NO.215 OF 2020

(Dayanand Manik Shewale .vs. State)

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

Court's or Judge's

CORAM : M. G. GIRATKAR, J.

DATE : 10.8.2020.

1. Heard Mr.A.J.Thakkar, learned Counsel for the applicant and Mrs.M.A.Barabde, learned Additional Public Prosecutor for non-applicant/State. The hearing was conducted through Video Conferencing and the learned Counsel for the respective parties agreed that the audio and visual quality was proper.

2. Mr.A.J.Thakkar, learned Counsel for the applicant has submitted that the material witnesses are examined and only Investigating Officer is to be examined. The material witnesses have not supported the prosecution case and therefore, the applicant is entitled for grant of bail.

3. Mrs.M.A.Barabde, learned Additional Public Prosecutor for the non-applicant/State has submitted that earlier bail application of applicant was rejected by the trial Court and also by this Court. The trial has commenced. Nine witnesses

are examined. The examination-in-chief of Investigating Officer has already been recorded and he is only to be cross-examined by the applicant/accused.

4. There is no material change in the circumstances. After rejection of bail application by this Court, nine witnesses are already examined by the trial Court. The examination-in-chief of Investigating Officer is also recorded and only cross-examination by the applicant/accused is to be conducted. The trial will be concluded within a short time. The issue whether the witnesses have supported or not is to be examined by the trial Court and not by this Court. The application is, therefore, devoid of merits and liable to be rejected. Accordingly, it is rejected.

5. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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Jaiswal

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by Suraj Jaiswal
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