

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

CRIMINAL APPLICATION (BA) NO. 407 OF 2020

(Narshriniwas @ Bulli Kashiabulu Potulla ..vs.. State of Maharashtra, through PSO, PS Aroli, District Nagpur)

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

Court's or Judge's orders

Shri Mir Nagman Ali, Counsel for the applicant,
Shri N.B. Jawade, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 18-09-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant is seeking bail in Crime 99/2017 registered with Police Station Aroli, District Nagpur for offences punishable under Sections 302 read with Section 34, 143, 147, 148, 149 and 150 of the Indian Penal Code.

4. Admittedly, the trial has commenced and as many as eleven witnesses have been examined. Shri N.B. Jawade, learned Additional Public Prosecutor states, on instruction from the Public Prosecutor, who is conducting the trial, that every effort would be made to expeditiously examine the remaining witnesses no

sooner the normal functioning of the Courts commences.

5. It is noteworthy that the applicant was granted bail by the Sessions Court. The grant of bail was challenged before this Court in Criminal Application 55/2018. The order of cancellation of bail was confirmed by the Apex Court and the Special Leave Petition was dismissed on 15-1-2019.

6. In view of the cancellation of bail by this Court and the dismissal of the Special Leave Petition by the Apex Court, it would not be necessary to consider the entitlement to bail on merits. However, Shri Mir Nagman Ali, learned Counsel, states that the trial is not likely to conclude early. This apprehension is already addressed by the statement made by the learned Additional Public Prosecutor. The next submission is that the father of the applicant has suffered kidney failure and is completely bedridden.

7. It is noteworthy that the applicant has a brother, who is a co-accused and is released on bail. According to the learned Counsel for the applicant, the brother, who is released on bail, is not in a position to look after the father because of the conditions of bail. If this be so, the brother of the applicant is free to move the Court seeking appropriate relaxation.

8. The application is dismissed.

JUDGE

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