

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1475 OF 2021
IN APEAL/837/2018 WITH APEAL/837/2018

REKHABAI TUKARAM KHAMBAYAT
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Naseem R. Shaikh
APP for Respondent-State : Mr. S. J. Salgare
...

CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.

DATE : 19th JULY, 2021

PER COURT :-

This successive application is filed by the applicant-convict for suspension of substantive part of the conviction and for bail.

2. By order dated 20th December, 2018 on earlier occasion this Court (Coram : T.V. Nalawade and Vibha Kankanwadi, JJ.) in Criminal Application No. 3562 of 2018, disposed of the application as withdrawn. It has been specifically observed in the order that, “when the Court has expressed disinclination to grant any relief, learned counsel for the applicants, on instructions, withdrew the proceeding”.

3. Learned counsel, after obtaining no objection from earlier counsel for the applicant, has filed present application for bail on behalf of applicant-original accused No. 2 solely on the ground that the appeal is pending since 2018.

4. In the order dated 20th December, 2018, we find that the appeal was not listed for final hearing by granting liberty to the applicant-original accused persons to prefer the application for suspension of substantive sentence and bail, in case, the appeal is not heard finally.

5. In the circumstance, we are not inclined to entertain this successive bail application. The applicant- original accused No. 2 is at liberty to file an application for expeditious hearing of the appeal.

6. The criminal application is, accordingly, disposed of.

(S. G. DIGE)
JUDGE

(V. K. JADHAV)
JUDGE

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