

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1179 OF 2021
IN
CRIMINAL APPEAL NO. 450 OF 2017**

Meghnath Gurunath Travadan @ Pillay ...Applicant/Appellant

Versus

The State of Maharashtra ...Respondent

....
Mr. Uday P. Warunjikar, for the Applicant/Appellant.
Ms. M. M. Deshmukh for the Respondent-State.

**CORAM : PRASANNA B. VARALE AND
SURENDRA P. TAVADE, JJ.**

DATE : 6th MAY, 2021.

P.C. :

1. By way of the present application the Applicant Meghnath Gurunath Travadan @ Pillay prays for his release on bail pending the appeal. Mr. Warunjikar, learned Counsel for the Applicant submits that it is a successive bail application filed at the instance of the Applicant. Mr. Warunjikar further submitted that while rejecting the earlier application No. 568 of 2017 vide an order dated 18th September 2017, the Division Bench of this Court made a reference to two pending cases against the Applicant. It is the further submission of Mr. Warunjikar that as there is a change in circumstance, the Applicant be enlarged on bail during the pendency of the appeal. Mr. Warunjikar further submits that the Applicant is behind bars for a period of more

than four years and considering the pendency of appeal, it may be take sufficient time for hearing of the appeal presented by the Applicant/Appellant in this Court i.e Appeal No. 450 of 2017.

2. The learned APP opposes the application.

3. We have perused the Judgment and order passed by the learned trial Court as well as the order of the Division Bench dated 18th September 2017. Though the submissions of Mr. Warunjikar, the learned Counsel for the Applicant looks attractive at the first blush, we are unable to accept the submission of the learned Counsel for more than one reason. The Division Bench while passing order dated 18th September 2017, considered the merits of the application. In paragraph Nos. 5 and 6, the Division Bench referred to the material against the Applicant which show the active involvement of the Applicant in the commission of the crime. Reference to two pending cases was only an additional circumstance. Mr. Warunjikar, the learned Counsel invited our attention to the Judgment passed in these two pending cases to submit that the Applicant is acquitted in these two cases by the learned trial Judge.

4. On perusal of these Judgments it revealed that the material witnesses turned hostile and failed to support the case of prosecution. Be that as it may, as the order of the Division Bench dated 18th

September 2017 clearly show that the Division Bench could not find any merit in the application and the bail application filed at the instance of the Applicant was rejected accordingly. In view of these facts, we are unable to accept the submission of Mr. Warunjikar, learned Counsel for the Applicant that there is a change in circumstance. In our opinion, the application is devoid of any merit and deserved to be dismissed. Accordingly, the application is dismissed.

5. The Applicant is at liberty to pray for early hearing of the appeal, if the appeal is not listed for hearing within reasonable period.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)