

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

CRIMINAL APPLICATION (BA) NO.950/2021

Shamshad S/o Refique Ansari,

-VERSUS-

State of Maharashtra through through P.S.O. P.S. Jaripatka, Nagpur.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.M. Patwardhan, Advocate for applicant.
Shri I.J. Damle, A.P.P. for non-applicant/State.
Ms Mayuri Kulkarni, Advocate appointed for victim.

CORAM : VINAY JOSHI, J.

DATE : NOVEMBER 30, 2021.

Heard.

2. This is a second bail application since earlier occasion this Court has shown non-inclination to grant bail vide order dated 28/06/2021. While disposing earlier bail application, this Court has granted liberty to approach this Court after receipt of forensic report or after six months if victim's evidence is not recorded.

3. Since on earlier occasion this Court has shown its non inclination, there is no purpose in reconsidering the matter on merits. The applicant's learned Counsel has argued that now the victim's evidence is recorded as well as forensic report has been received. He would submit that there are lot of contradictions and omissions hence victim's evidence is

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not free from doubt. Besides that, he has argued about certain improbabilities by pointing various statements.

4. It is informed that the trial has commenced the trial in which the victim's evidence was recorded on 27/10/2021. Besides that evidence of one of the Panch witness was recorded and the matter is posted for further evidence on 07/12/2021. Bare perusal of victim's evidence would suggest that she has supported the prosecution case. I restrain myself from making any comments on the evidence of victim or the credential of prosecution case since the trial is in progress. Having regard to said fact and as trial has commenced, there is no reason to reconsider the prayer for bail but certain directions are necessary. In view of that following order:

- a) Application stands rejected.
- b) Learned trial Judge is directed to dispose of the case within three months from the receipt of the intimation of this order.
- c) Fees be paid to the appointed Counsel, as per Rules.

JUDGE

R.S. Sahare