

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 BAIL APPLICATION NO. 78 OF 2021

KAILAS ROHIDAS BARWAL
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. N. S. Ghanekar
APP for Respondent-State : Mr. R. D. Sanap
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CORAM : V. K. JADHAV, J.
DATED : 18th FEBRUARY, 2022

PER COURT:-

1. Heard.
2. In terms of the liberty granted vide order dated 16.12.2020 in Bail Application No. 1313 of 2020 to raise the ground as contemplated under Section 436-A of Cr.P.C. for release on bail, the applicant-accused has approached the trial court by filing application Exhibit 36 under Section 436-A r/w 439 of Cr.P.C. for bail. Learned Additional Sessions Judge, Aurangabad, by order dated 06.01.2021, rejected the said application solely on the ground that the accused is an under trial prisoner for about 3 years, 4 months and 25 days and the cause of action for moving the

application under Section 436-A of Cr.P.C. would be available to the accused after completion of the period of 3 years and 6 months from 10.08.2017.

3. Learned counsel for the applicant submits that at present the applicant has undergone imprisonment for 4 years and 6 months so far.

4. In view of the same, we grant liberty to the applicant to file an application before the trial court under Section 436-A r/w Section 439 of Cr.P.C. for bail. The trial court shall consider the same on its own merits without getting influenced by the earlier order passed on 06.01.2021 below Exhibit 36.

5. Criminal Application is accordingly disposed off.

(V. K. JADHAV, J.)