

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

CRIMINAL BAIL APPLICATION NO. 3141 OF 2021

Amar Gurunath Desale ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Shubhankar Avhad a/w Mr. Anuj Tiwari, Advocate for Applicant.

Ms. Veera Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : MARCH 9, 2022.

PC.

1. This is a successive application seeking enlargement on bail on the ground that there is a delay in concluding the trial. The learned APP submits that the Court had issued witness summons. The learned counsel for the applicant vehemently submits that although the previous application (Criminal Bail Application No.994 of 2016) is rejected on 13th February 2017 by a detailed order, the application needs to be considered afresh. This Court had observed in the previous order that there is direct evidence and the first informant himself

happens to be an eye-witness. The learned counsel submits that upon perusal of FIR, it appears that the first informant had consumed alcohol just before the incident and therefore, his statement cannot be relied upon for rejecting the bail application. However, this is not an aspect which can be considered at the stage of grant of bail. The learned APP has submitted that the first informant has not appeared before the Court despite issuance of witness summons. The first information report itself shows that the first informant happens to be the original resident of Mulgaon Tulshipur, Nai Bajar, Purva, District Balrampur, Uttar Pradesh. The learned Sessions Judge shall issue summons on the address in U.P. The learned prosecutor seized with Sessions Case No.348 of 2015 shall make every endeavour to execute the summons witness upon first information through the police machinery of District Balrampur of Uttar Pradesh. Bail Application stands rejected.

(SMT. SADHANA S. JADHAV, J)