



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1814 OF 2023

Gautam s/o. Madhukar Sonune,
Age 32 years, Occu. Private Service,
R/o. Shelgaon, Taluka Badnapur,
District Jalna .. Applicant

Versus

The State of Maharashtra
through Police Inspector, Badnapur,
Police Station, Ta. Badnapur, Dist. Jalna .. Respondent

Mr. S. P. Bhadge, Advocate for Applicant;
Mr. Sandesh V. Hange, A.P.P. for Respondent/State

CORAM : S. G. MEHARE, J.

DATE : 12-12-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. This is a successive bail application of the applicant for bail in C.R.No.I-249 of 2019 registered with Police Station Badnapur, for the offences punishable under Sections 302, 307, 120B of the Indian Penal Code, Sections 3/12 of the Indian Arms Act and Sections 3(1)(i)(ii), 3(2), 3(4) of the MCOC Act.
3. The learned counsel for the applicant submits that the trial has been commenced and some witnesses have turned hostile. Hence, it is a change in circumstance. He also argued that the applicant is behind bar for four years and the trial may take time.

4. The learned A.P.P. opposed the application. He would contend that the trial has been commenced. Whatever the evidence, the witnesses have led before the trial Court could not be disturbed. Merely, the witnesses turning hostile is not the change in circumstances. There is no deliberate delay in protracting the trial. The trial has been commenced and likely to be concluded within a reasonable time. Hence, the application deserves to be dismissed.

5. The law is settled that during the course of trial, the High Court should not disturb the trial Court in recording the observations on the evidence of the witnesses led before it though the witnesses have turned hostile. Mere turning a few witnesses hostile would not decide the fate of the case. There may be another witnesses on the same point and the circumstances may also be there to decide the guilt of the accused. The trial has already been commenced. There is no deliberate delay in conducting the trial. The trial is expected to be concluded within a reasonable time if the parties co-operate with the Court. There are no change in circumstances. Hence, the bail application stands dismissed.

(S. G. MEHARE)
JUDGE

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