

Anand

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

BAIL APPLICATION NO. 2975 OF 2022

Rahul Vinodkumar Borad @ Jain

.Applicant

**ANAND
SUDHAKAR
SUDAME**

Vs.

The State of Maharashtra

.Respondent

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Mr. A. M. Saraogi, Advocate, for the Applicant

Mr. R. M. Pethe, APP, for the Respondent - State

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 02.08.2023

P. C.

. This is the third Bail Application filed by the Applicant, who is facing the trial in Sessions Case No. 2002 of 2019 arising from FIR No. 323 of 2019 registered with Bandra Police Station, Mumbai for the offences punishable under Sections 489-A, 489-B, 489-C, 419, 468, 471 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Saraogi, learned counsel for the Applicant and Mr. Pethe, learned APP for the Respondent - State. I have perused the record and considered the submissions advanced by learned counsel for the respective parties.

3. The Applicant had withdrawn the first Bail Application on 11.11.2019 after this Court (Coram : Sandeep K. Shinde, J.) had expressed disinclination to grant the relief. The second Bail Application, being B. A. No. 790 of 2020 was rejected vide order dated 27.01.2021 on merits. The Special Leave to Appeal (Cri.) No. 953 of 2022 was filed by the Applicant against the said order which was dismissed by the Hon'ble Apex Court on 02.05.2022. The Applicant has now filed the third Bail Application alleging change in circumstance. Mr. Saraogi, learned counsel for the Applicant states that while dismissing the second Bail Application, this Court had not taken into consideration the Forensic Report which according to him, was received subsequent to the dismissing of the second Bail Application. These submissions are devoid of any merit, as the order dated 27.01.2021 in the second Bail Application No. 790 of 2020 reveals that the same ground was raised in the second Bail Application. In fact, it was observed by this Court in the order dated 27.01.2021 that no change in the circumstance was brought to the notice of the Court, except that, the forensic report in respect of the counterfeit notes was not produced before the Court when the previous Bail Application was heard

on 11.11.2019. The second change in the circumstance according to the learned counsel for the Applicant is the delay in the trial. The Special Leave to Appeal (Cri.) No. 953 of 2022 was dismissed by the Hon'ble Apex Court on 02.05.2022. It is stated that subsequently, the Applicant filed an Application for discharge which was heard and dismissed on 02.05.2022.

4. In the light of the above, delay per se would not be a ground for grant of bail. Hence, the Application is dismissed. However, considering the fact that the Applicant is in custody since 2019, the learned trial Judge is directed to expedite the trial and to make an endeavour to conclude the trial within a period of one year.

(ANUJA PRABHUDESSAI, J.)