

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 1293 OF 2022**

Mahendra Shivshankar Thakur ... Appellant

V/s.

State Of Maharashtra And Anr. ... Respondents

Mr. Vinod Kashid for Appellant.

Mr. Ajay Patil APP, for Respondent No.1-State.

Mr. Prakash V. Vare for Respondent No.2.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 23rd JANUARY, 2023.

PC. :

1. This is a third successive Appeal by the Appellant to release him on bail.

2. The first Appeal for bail i.e. Criminal Appeal No.941 of 2018 was dismissed by the Co-Ordinate Bench by a speaking Order dated 29th January 2019. The subsequent Application i.e. Criminal Appeal (ST) No.1410 of 2019 with Interim Application No.857 of 2019 also met with the same fate of rejection on merits by an Order dated 21st September, 2021.

2. Learned Advocate for Appellant submitted that, in the interregnum prosecution has examined 10 witnesses who were eye witnesses to the incident and they did not support prosecution case and therefore they were declared hostile. He submitted that, there are many

more witnesses to be examined by the prosecution and therefore Appellant may be granted bail during the pendency of trial.

3. Perusal of record indicates that, except passage of time there is no change in circumstance, least to say in a substantive change in circumstance than was prevailing on 21st September, 2021.

We may note here that, when Appellant was behind bars the star witnesses have turned hostile. We may therefore can infer that, if the Appellant is released now on bail at such a crucial stage of trial, what would happen to the rest of witnesses.

4. In view of the above, we find no merits in the Appeal.

Appeal is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)