



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.121 OF 2024**

RANADHANRAJSINGH S/O DEEPAKSINGH THAKUR
VERSUS
THE STATE OF MAHARASHTRA

...

Ms. P. V. Bodke, Advocate for the Applicant.
Mr. P. S. Patil, Addl. PP for Respondent-State.

...

CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON :- 12th FEBRUARY 2024.

PRONOUNCED ON :- 16th FEBRUARY 2024.

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.315 of 2020 registered with Itwara Police Station, District Nanded for the offences punishable under Sections 395, 397, 120-B of the Indian Penal Code and Sections 3/25, 4/25 and 27 of the Arms Act as well as Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act.

2. This is successive bail application of the applicant. Previously the applicant had approached this Court vide Bail Application No.1303/2023, which came to be disposed as withdrawn vide order dated 24.08.2023, observing that the trial is progressed and more than 10 witnesses have been examined. However, applicant was granted liberty to move afresh, in case trial could not be concluded within a period of four months.

3. Ms. Bodke, learned Advocate appearing for the applicant submits that as per liberty granted by this Court, the applicant has moved present successive bail application. She would further submit that by now 17 witnesses have been examined in trial including Investigating Officer. The gist of the evidence recorded before the

Sessions Court would show that the prosecution case has been collapsed. She relies upon the deposition of the witnesses recorded in Special Case No.30/2021 and submits that only the formality of pronouncing acquittal of the applicant is remained. Therefore, further detention of the applicant would not be necessary.

4. The learned Addl. P.P. on instructions submits that as many as 17 witnesses have been already examined on behalf of the prosecution till this date and further 15 to 18 witnesses are proposed to be examined depending upon the circumstances. On specific query as to on what point further witnesses are to be examined, the learned Addl. P.P. points out that witnesses on the point of compliance of Section 65(B) of the Evidence Act, CCTV transcript panchanama, Investigating Officers in previous crimes registered against the applicant and Director General of Police, who granted permission to invoke provisions of MCOC Act under Section 23(2) are proposed to be examined.

5. Having considered submissions advanced, apparently this Court vide order dated 24.08.2023 disposed of previous bail application of the applicant, with liberty to move afresh, in case the trial could not be concluded within a period of four months. It appears that, the applicant directly moved successive bail application before this Court without approaching to the Trial Court. In fact, Trial Court would be in better position to delve into the evidence that has been recorded in trial and consider the prayer of the applicant for bail. In that view of the matter, there is no reason to directly entertain this application. However, applicant shall be at liberty to move his bail application afresh before the Trial Court. In case, such application is filed, the Trial Court shall consider it on its own merits.

6. With the aforesaid observations, application stands disposed of with liberty as indicated above.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/February-2024