

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1703 OF 2023

Sagar Anil Khairnar

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Deshpande Chaitanya Chandrakant

APP for Respondent/State : Mr. A.S. Shinde

Advocate for Respondent No.2 : Ms. Sonali G. Somwanshi h/f Mr. R.
C. Bramhankar (Appointed Through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : MARCH 01, 2024

PER COURT:-

1. Heard learned counsel for the applicant.
2. This is a successive bail application of the applicant.
Learned counsel for the applicant submits that two star eyewitnesses did not support the prosecution. Learned APP submits that there are many other eyewitnesses listed as witnesses. Resiling of witnesses from the previous statement is not a change in circumstances because there may be many other eyewitnesses and other circumstances against the applicant. The prosecution may prove the case on circumstantial evidence also.
3. The Trial Court is endeavouring to its level best; however, the learned AGP, Dhule is suggested to look into the matter to curtail the recording of the unwanted witnesses. Considering the burden on

the District Judiciary, it would be inappropriate to make the matter time bound. With suggestion to the learned AGP/PP. of Dhule, the application stands dismissed.

4. The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fee of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)