

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

CRIMINAL BAIL APPLICATION NO. 2925 OF 2023

Dharamraj Rajaram Yadav

...Petitioner

Versus

State Of Maharashtra

...Respondent

....

Ms. Kusum Pandey, Ms. Pragati Mishra, Advocate for the Applicant.

Ms. Sangita Phad, APP for the Respondent – State.

....

CORAM : PRAKASH D. NAIK, J.

DATE : 18th MARCH, 2024.

P.C.:

1. This is a second application for bail in connection with C.R. No. I-92 of 2017 registered with Virar Police Station for offence punishable under Sections 302 of Indian Penal Code (for short 'IPC').

2. Learned Advocate for the Applicant submitted that the Applicant is in custody from 19th February, 2017. While rejecting the previous application for bail, the trial Court was directed to make an endeavor to conclude the trial expeditiously and as far as possible within a period of nine months from the date of receipt of this order. The trial is not yet concluded. It is further submitted that the Applicant has not delayed the trial. The prosecution has delayed examination of witnesses. The prosecution had sought time

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to examine the medical officer. The said witness was not traceable. Thereafter, the prosecution preferred an application for recalling the investigating officer. The said application was allowed. The investigating officer was recalled. Thereafter, at the instance of the Applicant the investigating officer was cross-examined. The Applicant had preferred an application for recall of witness about six months ago. The said application was kept pending for a long time. The Applicant had recently preferred an application for recall of investigating officer since the prosecution had recalled the PW-12.

3. Learned APP submitted that the prosecution has closed evidence. Closure pursis has been filed. The offence is of serious nature. The previous application for bail has been rejected by this Court. The Accused had preferred an application for recall of witness which is pending. In this circumstances, the trial is getting concluded and hence no case for grant of bail is made out.

4. It is not disputed that the previous application for bail was rejected on merits vide Order dated 28th January, 2019. This application is heard on several dates and it was adjourned to ascertain progress in trial. The application was preferred by the Accused to recall to investigating officer since one of the witness

was recalled by the prosecution. Apparently, the trial is getting concluded.

5. Considering the aforesaid circumstances, no case for grant of bail is made out. It is expected the trial Court will proceed with the trial expeditiously and conclude the same.

ORDER

- i. Criminal Bail Application No.2925 of 2023 is rejected;
- ii. The trial Court shall conclude the trial expeditiously.

(PRAKASH D. NAIK, J.)