

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.334 OF 2015

Balaram Govind Mhaskar .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Sudeep Pasbola i/b Mr.M.U.Kazi, Advocate for the applicant.

Ms.Sandhya Mailagir i/b Mr.Anil Joshi, Advocate for Intervenor.

Mrs.M.R.Tidke, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 13th MARCH, 2015

P.C. :

1 Heard Mr.Sudeep Pasbola, learned counsel for the applicant. Heard Mrs.M.R.Tidke, learned APP for the State.

2 The applicant's two previous applications for bail were rejected by me (Criminal Bail Application No.1108/12 decided on 6th September 2012 and Criminal Bail Application No.472/13 decided on 12th April 2013). They were rejected on the basis that there was a *prima facie* case against the applicant, and that charge had already been framed.

3 Mr.Pasbola informs that though charge was framed in the year 2012 itself, not even a single witness has been examined during the trial, till date. He submits that the reasons for delay in

the commencement of the trial are very many, including that, on many occasions, the applicant was not produced before the Court on the dates as fixed by the trial Judge.

4 Undoubtedly, I find that the grievance made by the learned counsel about the delay in commencement of the trial is justified. *Prima facie*, there seems to be no justification for non commencement of the trial, inspite of framing of a charge as back as on 21st July 2012.

5 However, considering the rejection of two previous bail applications filed by the applicant, and since my view that there exists a *prima facie* case is not changed, I am not inclined to release the applicant on bail. It would be however, absolutely essential to direct the trial court to hold the trial expeditiously keeping in mind that the applicant is in custody since 10th March 2011, and that the charge has been framed as back as on 21st July 2012.

6 Application is rejected.

7 However, the trial court shall complete the trial, in any case, within a period of six months from today.

8 Since the applicant is in custody for a period of more than four years, and since charge has been framed more than 2 ½ years back, the trial court shall scrupulously adhere to this time limit.

9 Nevertheless, liberty to the applicant to apply afresh for bail, if for some unforeseen and unavoidable reason the trial is not concluded within a period of six months from today.

(ABHAY M.THIPSAY, J)