

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

BAIL APPLICATION NO.533 OF 2015

Abhishek S.Singh.	Applicant.
vs.	
The State of Maharashtra.	...Respondent.

Mr.Amit Mundhe for the Applicant.
Ms.P.PShinde,APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 14 JULY 2015**

PC:

Heard.

2) This is an application under Section 439 of the Cr.P. C. The applicant is seeking bail in Crime No.39/2011 registered at Azad Maidan Police Station initially for offence punishable under Section 307 read with 34 of the I.P.C. However, the applicant has been charge sheeted for offence punishable under Section 302 of the I.P.C. This Court has appointed Advocate Mr. Mundhe to espouse the cause of the applicant. Learned counsel appointed for the applicant has submitted that on 11.2.2014 the first bail application filed by the present applicant was rejected by the Sessions Court. On 28.8.2012, this Court (Coram Smt. S.S. Jadhav, J.) expedited the trial and requested the Sessions Court to conclude recording of evidence as far as possible within 9 months

from the date of framing of charge. Subsequently, three months extension was granted by order dated 19.8.2014.

3) Learned counsel for the applicant submits that the prosecution has examined 45 witnesses. The Trial was scheduled on 26.6.2015 but learned prosecutor had sought time on 3.7.2015 and 9.7.2015 and no witness was examined. However, on 10.7.2015 the examination in chief of P.W.No.45 was concluded and the matter is scheduled on 15.7.2015. In the midst of the trial, it would not be proper to enlarge the applicant on bail since his application seeking bail was rejected by this Court. The alternative prayer made by the present applicant is that the Sessions Court be directed to conclude the trial on day to day basis. However, no such direction can be given as it would depend on the prosecution and the availability of the witnesses on the scheduled date. Hence, application stands rejected.

The learned Sessions Court is requested not to grant any unwarranted adjournments to the prosecution since the applicant is in jail from 2011.

4) Learned counsel appointed to espouse the cause of the applicant has put in the best of efforts to espouse the cause of the applicant and he has vehemently prayed for seeking directions that the Trial Court be directed to conduct the trial on day to day basis. However, this is not possible. The professional fees

quantified to the learned counsel appointed for the applicant Rs.1500/- to be paid to the learned counsel within three months from today. Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)