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

CRIMINAL BAIL APPLICATION NO.923 OF 2015

Sagar Dynaneshwar Mule

..Applicant

-Versus-

State of Maharashtra

..Respondent

.....

Ms. Apeksha Vora for the Applicant.

Mr. Deepak Thakre, APP, for the Respondent-State.

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CORAM: ABHAY M. THIPSAY, J.

DATE :- 30th APRIL, 2015.

PC.:

1] Heard Ms. Apeksha Vora, the learned counsel for the applicant. Heard Mr. Deepak Thakre, the learned APP for the Respondent-State.

2] Two previous bail applications filed by the applicant were rejected by me (Bail Application No.561/2013 decided on 26th April, 2013 and Bail Application No.1701/2014 decided on 25th September, 2014). It was held that there was a prima facie case against the applicant.

3] While rejecting the second application filed by the applicant, it was directed that the trial should be assigned to an Additional Sessions Judge who would be comparatively less burdened and that such Additional Sessions Judge to whom the case would be transferred, should endeavour to complete it within a period of six months from the receipt of record and proceedings of the case by him. Now, the present application has been made on the ground that though the trial has commenced, it has not concluded within the time prescribed by this Court, and that, the examination of the first witness for prosecution is still going on.

4] After hearing the learned counsel for the applicant, her basic grievance appears to be that the cross examination of the first witness for the prosecution is unnecessarily being dragged on by the accused No.1 in the case who is alleged to be the actual assailant and who is, apparently, cross examining the witness in person.

5] The learned counsel for the applicant has drawn my attention to certain notes made by the learned trial Judge in the course of recording of evidence which indicate that the accused No.1 is putting irrelevant questions to the witness. However, it would not

be possible, or permissible, to direct the trial Court to abruptly stop the cross examination of the witness that is being taken by the accused No.1. It would be for the trial Court to tackle the situation in accordance with law.

6] Since the trial has already commenced and since it has been held that there is a prima facie case against the applicant also, simply because he is not the actual assailant, I am not inclined to release him on bail.

7] However, if the trial gets further delayed, it would be open for the applicant to seek bail from the trial Court. In the event of such an application being made, the trial Court shall consider the same on merits and in accordance with law.

8] Even otherwise, the trial Court shall expedite the trial and endeavour to complete as early as possible, preferably by proceeding with the case on day to day basis.

(ABHAY M. THIPSAY, J.)