

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1438 of 2015

Sanjay Lahu Karbhari .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.A.P. Mundargi, Sr. Advocate with Ms.Shraddha Sawant i/b
Jayant J. Bardeskar, Advocate for the applicant.

Mr.M.S.Mohite with Mr.Bhushan Walimbe, Advocate for
intervenor.

Mrs.S.Gajare-Dhumal, APP for the Respondent State.

PSI Mr.V.K. Karanjale, Crime Branch, Kalyan, Unit-3, Thane City.

CORAM : ABHAY M. THIPSAY, J.

DATED : 1st DECEMBER 2015

P.C. :

1 Heard Mr.A.P. Mundargi, Senior Advocate for the applicant. Heard Mr.M.S. Mohite, learned counsel for the First Informant, who was permitted to intervene in the matter.

2 The applicant's previous application for bail was withdrawn by him after having advanced arguments in support thereof. It was on 28th June 2014. Now, the prayer for bail is renewed on the ground that though about 1 ½ year is passed since the rejection of the previous application, there has been no

progress in the trial.

3 That the trial has not yet commenced, is not in dispute. No charge has been framed against the accused persons as yet. However, according to the learned counsel for the intervenor, it is because of the delay caused by the accused persons themselves. That the accused persons have caused the delay, is disputed by Mr.Mundargi, learned counsel for the applicant.

4 Mr.Mohite also pointed out that an incorrect statement has been made in the application for bail to the effect that the previous application filed by the applicant was withdrawn without advancing any arguments. Mr.Mundargi concedes that this statement is wrong, and according to him, it has been so mentioned due to inadvertence. After hearing Mr.Mundargi, leave is granted to amend the application suitably by removing the said portion said to have been erroneously crept in. The amendment be carried out forthwith.

5 It is submitted by Mr.Mundargi that except the statement of a solitary eye witness, there is no other material against the applicant. It is submitted that there is no recovery of any incriminating article from, or at the instance of the applicant.

6 I have considered the matter.

7 Since the applicant had chosen to withdraw his previous application for bail after having advanced arguments in

support thereof, and since it cannot be said that there is no *prima facie* case against the applicant, it would be proper, in my opinion, to direct the trial itself to be expedited instead of reconsidering the question of grant of bail to the applicant. It would be proper to stipulate that should the trial be not be over within the time that is being stipulated by the present order, the applicant shall be at liberty to apply afresh for bail, which application, it is needless to state, would be considered on its own merits.

8 Application is rejected.

9 However, the trial Court shall expedite the trial and complete it within a period of six months from the date of receipt of this order.

10 Liberty to the applicant to apply afresh for bail in the event of the trial not being over within the period stipulated above.

11 Liberty is also granted to the applicant to apply afresh for bail before the trial Court itself, if so advised, after the evidence of Eknath Dagdu Patil, is recorded.

(ABHAY M. THIPSAY, J)

CERTIFICATE

***Certified to be true and correct copy of the original signed
Judgment/Order.***