

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2436 OF 2014

Shrikant @ Rajendra Vilas Choudhary .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents

Mr.Priyal G. Sarda, Advocate for the applicant.

Mr.Rohan Nahar, Advocate for the Intervenor.

Mrs.S.V.Gajare, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 11th FEBRUARY, 2015

P.C. :

1 Heard Mr.Priyal G. Sarda, learned counsel for the applicant. Heard Mrs.S.V.Gajare, learned APP for the State.

2 The applicant's previous application for bail was rejected by me. (Bail Application No.985/14 decided on 8th July 2014). At that time, liberty was granted by the applicant to apply afresh for bail, in the event of the trial not commencing within four months from the date of the said order i.e. 8th July 2014. Now, the prayer for bail is renewed on the ground that though a period of more than four months has passed since then, the trial has not yet commenced. I am informed that even a charge has not yet been framed.

3 I have, therefore, re-considered the question of grant of bail to the applicant. However, considering the nature of injury sustained by the victim and the fact that the incident is said to have witnessed by a number of persons, I am not inclined to release the applicant on bail. This is particularly so because the learned APP submits that the delay in commencement of the trial is on account of the fact that the co-accused who has been released on bail, is not remaining present before the Court.

4 Nevertheless, the applicant is in custody for a period of about 15 months.

5 The learned counsel for the applicant has placed reliance on the observations made by the Supreme Court of India in a decision reported in *Bal Krishna Pandey @ Vidur Vs. State of U.P (2003) 12 SCC 186*.

6 Indeed, it cannot be disputed that the trial court is bound to make every endeavour to commence the trial as early as possible as the applicant is in detention.

7 Under the circumstances, though I am not inclined to grant bail to the applicant, I think it fit to give appropriate directions to the trial court to ensure that the trial is expeditiously held.

8 Application is rejected.

9 However, the trial court shall proceed with the trial expeditiously, and commence it in any case, within a period of two months from the date of receipt of this order.

10 The trial court shall endeavour to complete the trial within a period of six months from today, and report compliance to this Court.

11 If for some reason, the trial court is unable to commence the trial within a period of two months or to conclude within a period of six months, it shall consider the Bail Application as may be filed by the applicant in accordance with law, and without being influenced in any manner, by the rejection of the applicant's previous application for bail by this Court.

(ABHAY M.THIPSAY, J)