

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

rrpa

CRIMINAL BAIL APPLICATION NO.2585 OF 2014

Ajay Balaram Mandal	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

....
Mr.Aniket Vagal, Advocate for the Applicant.
Ms.S.S. Kaushik, A.P.P. for Respondent – State.

....
CORAM : ABHAY M. THIPSAY, J.

DATED : JANUARY 8, 2015.

P.C. :

Heard Mr.Vagal, the learned counsel for the applicant.
Heard Ms.Kaushik, the learned A.P.P. for the respondent – State of Maharashtra.

2 The previous application filed by the applicant was withdrawn by him without advancing any arguments on merits and only after the prayer to expedite the trial, was granted. Now the prayer for bail is renewed on the ground that the trial has not commenced inspite of the order of this Court to expedite the same, and that liberty was granted to the applicant to apply afresh for bail in the event of the trial not commencing within a period of six weeks from the date of said order.

4 Since it appears that the trial has not commenced, I have considered the matter afresh on merits. Apart from the offences punishable under Sections 392 of IPC, 395 of IPC read Section 397 of the IPC, the applicant and other co-accused in the case are also alleged to have committed the offences punishable under the MCOC Act. That the provisions of the MCOC Act are not applicable to the facts of the case is not the contention that has been advanced and admittedly no challenge has been given by the applicant with respect to the applicability of the provisions of the MCOC Act.

5 The applicant is said to have been identified by one of the eye witnesses, as one of the culprits. It is true that two other persons who also participated in the test identification parade have failed to identify the applicant as such, but it is submitted that the applicant is seen as visiting the place of incident in the CCTV footage that has been obtained in the course of investigation. Further, a revolver is said to have been recovered at the instance of the applicant.

6 I have gone through the report received from the trial Court. Though the trial has not commenced, the trial Court cannot be blamed for the delay. It appears that an Appeal has been filed by the State against the order of discharge of the applicant in respect of the

offences punishable under Sections 342 of IPC, 345 of IPC, 452 of IPC. The learned Additional Public Prosecutor states before the Court that the State will take steps to have the Appeal expedited.

7 Under these circumstances, considering the nature of the offence, I am not inclined to release the applicant on bail. Nevertheless, it will be just and proper to stipulate that the applicant shall be at liberty to apply afresh for bail in the event of trial not commencing within a period of four months from today.

8 The application is rejected.

9 Liberty to the applicant to apply afresh for bail in the event of trial not commencing within four months, from today.

(ABHAY M. THIPSAY, J.)