

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 57 OF 2016

MR. RUPESH SALGAONKAR, PRESENTLY
LODGED IN JUDICIAL CUSTODY AT
MAPUSA GOA.

... Applicant

Versus

STATE THR. P.I. ATTACHED TO ANJUNA
POLICE STATION AND ANR.,

... Respondents

Mr. Menino Teles and Mr. A. Govekar, Advocates for the Applicant.
Mr. S. R. Rivankar, Public Prosecutor for the Respondent-State.

Coram:- C. V. BHADANG, J.

Date:- 22nd April, 2016

P.C.

Heard.

2. This is an application for bail. The Applicant along with others is facing trial for the offences punishable under Sections 143, 147, 148, 504, 323 and 302 read with Section 149 of IPC in Sessions Case no.33/2013 before the learned Addl. Sessions Judge at Mapusa. The earlier application for bail filed by the Applicant was withdrawn. The trial has proceeded in which the prosecution has examined nine witnesses including some eye witnesses who have implicated the present Applicant.

3. The only contention raised on behalf of the Applicant is that the material witnesses except on the discovery panchanama are already

examined. The learned Counsel for the Applicant submits that Section 309 of Cr. P.C. mandates the Court to conduct the trial expeditiously on a day to day basis. It is submitted that this Court by Order dated 12.11.2013 in Criminal Application (Bail) no. 171 of 2013 had expedited the trial. It is submitted that the Applicant is in jail for about forty months and he be released on bail.

4. The learned Public Prosecutor opposes the prayer. It is submitted that there is no change in circumstance pointed out after the rejection of the earlier bail application and, on the contrary, there is evidence of the eye witnesses implicating the Applicant. The learned Public Prosecutor however states that the prosecution will make all attempts to see that the trial proceeds expeditiously.

5. On hearing the learned Counsel for the parties, I do not find that any case for grant of bail is made out. It would not be appropriate to prejudge the prosecution evidence, when the trial is still pending before the Sessions Court. By an Order dated 12.11.2013 in Criminal Application (Bail) no. 171 of 2013 while allowing withdrawal of the application for bail, this Court had expressed that the Trial Court shall expedite the framing of charge and trial in the matter.

6. Considering the fact that the material eye witnesses are already examined and the fact that the Applicant is in jail, I find that the Trial can be expedited. Hence, the following Order :

ORDER

- (i) The application is hereby dismissed.
- (ii) The learned Sessions Judge shall proceed with the trial as expeditiously as possible and an endeavour shall be made to complete the same by 31.08.2016.
- (iii) Parties to co-operate for early disposal of the Sessions Case.

C. V. BHADANG, J.

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