

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

930 CRIMINAL APPLICATION NO. 1105 OF 2017

**AJAY @ DNYANESHWAR @ MAULI RAOSAHEB PIMPLE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. S.B. Rajebhosale, Advocate, for applicant.

Shri. S.W. Munde, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 4 April 2017

ORDER:

1) The application is filed for bail. Both the sides are heard. This is second application filed for bail in a case pending in Special Court Aurangabad created under the provisions of the Maharashtra Control of Organized Crime Act, 1999. The previous application was rejected on merits. The learned counsel for the applicant submitted that when the previous application was disposed of in the year 2013, direction was given to expeditiously dispose of the case but till today even charge is not framed by the Special Judge and the accused is behind the bars since 14 April 2012 and so the accused is entitled to get bail.

2) The learned counsel for the applicant placed reliance on the following reported cases :

- (1) **Dipak Shubhashchandra Mehta v. C.B.I. (2012 AIR SCW 1436;**
- (2) **Rajdev Kumar Mathura Yadav v. State of Maharashtra 2011 (1) Bom. C.R. (Cri) 188.**
- (3) **Babanrao Tukaram Ranjane v. State of Maharashtra 2006 ALL M.R. (Cri) (S.C.) 2655.**
- (4) **Vivek Kumar v. State of U.P. AIR 2000 SC 3406.**

3) Facts of each reported case are different. In the present matter this Court is expected to consider the bar created by Section 21(4) and 21(5) of the special enactment. So far as section 21(4) is concerned, it can be said that on merits that point is already considered. So far as section 21(5) is concerned, it can be said that there is bar of provision for granting bail to the present applicant. So, the observations made in the aforesaid cases are not of any help to the applicants to get bail.

4) In view of the aforesaid submissions and the circumstances, special reports were called from the presiding officer and also the Sessions Judge. The learned

Sessions Judge has informed that he has made every attempt to see that burden of two special courts is reduced to allow them sufficient time for disposal of the cases filed under the aforesaid special enactment. However, the report of the Special Judge shows that he did not separate the case of the available accused from January 2015 till this date when some accused are not available for trial. When in such a case accused gets bail and absconds, the other accused are behind the bars, the Presiding Officer is expected to take immediate steps to see that the case of the available accused is decided expeditiously. Such steps are not taken by the present Presiding Officer. He is expected to take steps to dispose of the case against the present applicant within six months from today. With these observations the application is disposed of as rejected.

Sd/-
(T.V. NALAWADE, J.)

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