

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

31 CRIMINAL APPLICATION NO. 1434 OF 2017

HIRAMAN S/O. SHAMRAO KALE  
VERSUS  
THE STATE OF MAHARASHTRA

----

Shri. Mahesh P. Kale, Advocate, for applicant.

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

----

**Coram: T.V. NALAWADE, J.**

**Date: 17 April 2017**

**ORDER:**

1) The application is filed for bail. This Court had called the report of the Presiding Officer of the Court where the case is pending. The report shows that the case is part-heard and three witnesses are examined. It appears that some accused were on bail, they jumped bail and so warrants were required to be issued and due to that further progress was not made. The previous application for bail, after using the provisions of the Maharashtra Control of Organized Crimes Act, 1999, was rejected on merits. The learned counsel for the applicant submitted that direction was given by this Court to the

trial Court to dispose of the case within six months from 23-2-2015 but the matter is not disposed of and so the applicant is entitled to get the relief.

2) The report of the Presiding Officer shows that he could not make progress due to the circumstances like some accused jumped bail and process was issued to arrest them. However, the case is part heard. The order made by this Court on 23-2-2015 shows that the applicant is a history sheeter and in one case under section 395 of the Indian Penal Code he was convicted. In view of these circumstances there is bar as provided in section 21 of the Act, 1999 as it cannot be said that he will not commit similar offences. In view of these circumstances this Court holds that bail cannot be granted though the case is not disposed as per order dated 23-2-2015. The application stands rejected. The trial Court is expected to take steps to see that the case is disposed of expeditiously. The trial Court may request the learned Sessions Judge to see that other matters are withdrawn from his Court. Liberty is given to the applicant to approach again after six months.

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

rs1