

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 571 OF 2017**

Vinod Vishnu Hogale	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 223 OF 2017
IN
CRIMINAL BAIL APPLICATION NO. 571 OF 2017**

Arun Ganpat Hogale	...Intervener
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IN THE MATTER BETWEEN :

Vinod Vishnu Hogale	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Satyavrat Joshi for the Applicant

Mr. Rajan Salvi, A.P.P for the Respondent-State

Mr. Sushilkumar S. Upadhyay for the Intervener

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 2nd AUGUST, 2017

P.C. :

1. This is the second bail application preferred by the applicant.
The order dated 11th April, 2016, passed in the bail application of the applicant, being Bail Application No. 1497 of 2015, reads thus :

“After arguing for some time, learned counsel for the Applicant seeks leave to withdraw this Application.

2. *Accordingly, the Bail Application is dismissed as withdrawn.*

3. *In view of the disposal of the Bail Application, the Intervention Application does not survive and the same stands disposed of accordingly.”*

2. Learned Counsel for the applicant submits that although charge was framed on 3rd March, 2017, not a single witness has been examined till date. He submits that the incident is of the year 2013 and that the applicant is languishing in jail since then. Learned Counsel for the applicant further states that the complainant has been seeking adjournments and is not cooperating with the trial.

3. Learned Counsel for the intervener (original complainant) denies the allegation. Nevertheless, learned Counsel for the complainant has tendered an affidavit of the complainant-Arun Ganpat Hogale. The said affidavit is taken on record and marked 'X' for identification. The complainant, in the affidavit, has made a statement that he will cooperate with the trial Court and will not delay the proceedings and will attend the Court on the dates fixed for his evidence. The complainant is also present in Court.

4. It is not necessary to go into the merits of the case, as trial has

already commenced, inasmuch as, charge is framed. The application is accordingly disposed of. However, in the facts of the case, the trial is expedited.

5. The learned Judge shall decide the case as expeditiously as possible and preferably, within 12 months from the date of receipt of this order.

6. In view of the above order, nothing survives for consideration in the intervention application being Criminal Application No. 223 of 2017. The same stands disposed of.

7. The complainant shall place on record, the copy of the affidavit filed today in this Court, before the learned Sessions Judge, who is seized of the matter, along with a copy of this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.