

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

BAIL APPLICATION NO.689 OF 2017

Rohit Sampat Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. M.S. Mohite i/b. Mr. Abhishek Yende for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent -State.

Mr. Ankush Mane, PSI, LCB, Pune Gramin Police station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 2nd MAY, 2017.

(In Chamber)

P.C.:

This is the third bail application filed by the Applicant, who is an accused in Sessions Case No.70 of 2015 for the offences punishable under sections 302, 307 and 120B r/w 34 of the IPC and sections 3(25) (27 and 4(25) of the Arms Act. The learned APP in the course of the arguments of the second bail application No.986 of 2016 made a statement that evidence of 7 witnesses as mentioned in paragraph 2 of the order dated 7th October, 2016 would be recorded within a period of four months from the date of the said order. In view of the said statement, the learned counsel for the Applicant had withdrawn the application with liberty to file fresh application after

recording evidence of the said 7 witnesses. The learned counsel for the Applicant -accused made a statement that the Applicant-accused would co-operate and would not delay the trial.

2. Mr. Mohite, the learned counsel for the Applicant has submitted that out of 7 witnesses only one witness and some other panch witnesses have been examined. He has submitted that the Applicant-accused had sought time only on one occasion and the matter is delayed on one ground or the other. The Applicant-accused is in custody since 2015.

3. I have perused the report received from the learned Sessions Judge and also perused the copy of the Roznama placed on record by the learned APP. It is seen that evidence of one of the 7 witnesses has been recorded. Some of the witnesses were present but the accused was not produced before the Court, which has resulted in delaying the trial.

4. Mr. Gaikwad, the learned APP submits that every endeavour will be made to record the evidence of the said material witnesses within a period of six months. Statement is accepted. Since it is seen

that the matter is delayed because the accused were not produced by the jail authorities, the Superintendent of Yerawada Central Prison, Pune is directed to ensure that accused are produced before the Sessions Judge on each and every date of hearing.

5. In view of the statement made by the learned APP, the learned counsel for the Applicant seeks leave to withdraw the application with liberty to file fresh application after the evidence of the said witnesses is recorded. Leave with liberty as prayed for is granted.

6. The application is dismissed as withdrawn.

(SMT. ANUJA PRABHUDESSAI, J.)