

nsc.

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

CRIMINAL BAIL APPLICATION NO.696 OF 2016

Sanjay Rambahadur Singh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.P.L.Shetty, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent-State.

Mr.S.A.Shinde, DCB, Unit-1, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th JULY, 2017

P.C. :

1. Learned APP, at the outset, submits that this Court (Coram : Mrs.Mridula Bhatkar, J.), vide order dated 20th July, 2015 passed in Criminal Bail Application No.1616 of 2014 was pleased to reject the application of the co-accused – Arvind Pradip Chavan@Chintu. He submits that the role of the present applicant is much more, than that of co-accused – Arvind.

2. Learned Counsel for the applicant, without going into the merits of this application submits, that the accused are languishing in jail for the last 6 years. He submits that till date charge has not been framed and hence the trial be expedited.

3. This Court (Coram : Mrs.Mridula Bhatkar, J.), on 22nd March, 2017 passed the following order, in this application:-

“The learned Registrar (Judicial) is hereby directed to inform the learned District Judge-1 and Special Judge (MCOC Court) and Additional Sessions Court, Nashik that the pendency of the Bail Application or the Discharge Application in the High Court unless there is a specific order of stay of the trial, there is no bar to commence trial and proceed with it in the trial Court. In the present case, the order of rejection of the bail is challenged and those Applications are pending. The learned Special Judge may proceed with the matter.

2. Stand over to 5.4.2017.”

4. It appears, that despite the aforesaid order, the trial has not commenced. The accused are languishing in jail for almost 6 years, and there is no stay to the proceedings. Considering the same, it would be

appropriate to direct the learned District Judge-1 and Special Judge (MCOC Court) and Additional Sessions Court, Nashik, to proceed with the case and conclude the same, as expeditiously as possible and preferably within 9 months from the date of receipt of this order.

5. If, for no fault of the applicant, the trial does not conclude within the stipulated period, the applicant is at liberty to file a fresh application seeking his enlargement on bail.

6. The prosecution to take effective steps to ensure that all the accused in the said case are produced on all the dates given by the trial Court, in person/through video conferencing, as the learned Judge may so direct, so as to enable the trial Court to proceed with the case.

7. It is made clear that if there is no stay there is no bar to proceed with the case. It is also made clear that this application has not been heard on merits.

8. The application is accordingly disposed of on aforesaid terms.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)