

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.870 OF 2017

Janardhan @ Gangaram
Prabhakar Chavan & Ors. ... **Applicants**
 V/s.
The State of Maharashtra ... **Respondent**

.....

Mr.Nitin Sejpal, Advocate for the Applicants.

Ms.P.P.Shinde, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 6th NOVEMBER 2017.

P.C. :

1 Applicants/accused in Crime No.236 of 2011 for offences punishable under Sections 307, 506(II) read with Section 34 of the Indian Penal Code, by this application, are seeking their release on bail.

2 Heard the learned Advocate appearing for the applicants/accused. He points out that on earlier occasion, this Court vide Order dated 3rd September 2012 in Criminal Bail Application No.1098 of 2012 had directed the trial Court to expedite the trial of the case against present applicants as well as the cross case and conclude the same within a period of nine

months from 3rd September 2012. The learned Advocate further submits that despite that Order, the trial could not be finished and it is still pending. However, the learned Advocate for the applicants informs this Court that evidence of the prosecution against all accused is now closed and case against the present applicants is for recording their statements under Section 313 of the Code of Criminal Procedure. The learned Advocate further informs this Court that so far as cross case is concerned, the Investigating Officer is in the witness box and, therefore, at least now the learned trial Court should expedite the trial and finish of both the cases.

3 The learned Additional Public Prosecutor is not disputing this position.

4 It was incumbent on the part of the learned trial Court to comply the Order dated 3rd September 2012 passed by this Court in Criminal Bail Application No.1098 of 2012 in its letter and spirit by deciding both cases within a period of nine months from 3rd September 2012. However, it appears that the learned trial Court has failed to comply the earlier Order of this Court dated 3rd September 2012. Be that as it may, the learned trial Court should dispose of both cases expeditiously. Considering the fact that evidence of the prosecution against present applicants is already over, I do not feel it expedient to grant bail to the

applicants and interest of justice would be served if the trial Court is directed to decide both cases peremptorily. Therefore, the Order :

- (i) The application is disposed of with a direction to the learned trial Court to decide Sessions Case No.211 of 2012 against the present applicants along with cross case within a period of three months from the date of communication of this Order.
- (ii) The learned trial Court should report compliance of this Order to this Court immediately by following the time limit granted by this Court.
- (iii) Parties to act on authenticated copy of this Order.

(A.M.BADAR J.)