

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1337 OF 2017

Rajesh Chandrakant Sawant ... Applicant

Vs.

The State of Maharashtra ... Respondent

Ms.M.Khemka with Ms.Bhagyashree Upadhyay i/b Khemka & Associats
for the Applicant

Mr.Vinod Chate, APP, for Respondent – State

Mr.V.T. Kolekar, Investigating Officer – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 10, 2017**

P.C.:

1. This is a third Bail Application against the applicant/accused who is facing charges under section 420 r/w section 34 of the Indian Penal Code in C.R. No.249 of 2014 registered with Chembur Police Station, Mumbai on 23.9.2014. The accused was arrested on 25.3.2015. The applicant/accused had cheated a number of persons by giving false promises of providing residential premises at cheaper rates. The ground for this third Bail Application is that the first witness was examined on 16.2.2016 and thereafter, there is no progress in the matter.

2. The learned Counsel for the applicant/accused prayed for bail under section 437(6) of the Criminal Procedure Code as the trial is not complete within 60 days from the first date fixed for taking evidence in the said case.

3. The affidavit of Investigating Officer Shri V.T. Kolekar, P.I., presently attached to Ghatkopar Police Station, Mumbai, is taken on record. The learned Prosecutor by relying on the said affidavit, submitted that adjournment was sought by the learned Counsel for the accused also during this period. The witnesses are not coming forward to adduce evidence and witness warrant is issued against PW1 i.e., the complainant. He submitted that the warrant is issued because the examination in chief of the complainant is recorded and despite that, he is not attending the Court for cross-examination.

4. It is painful to note that the examination in chief of the complainant is recorded nearly 1½ year ago and there is no progress in the matter. I am informed that the matter is now scheduled for further evidence of PW1 on 18.8.2017. Considering these facts of the case, the application is rejected, however, the trial Court is directed to adhere strictly to the procedure laid down in section 309 of the Criminal Procedure Code and not to adjourn the matter at the request of either the learned Prosecutor or the accused. The Investigating Officer is hereby directed to bring the witnesses as per the schedule given by the Court. The trial Court to complete the trial till 13.10.2017.

5. Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)