

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2058 OF 2017

Rahim Munnawar Pathan

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Tejesh Dande i/b. Tejesh Dande & Associates, Advocate for the applicant.

Mr. Deepak Thakary, Spl. P.P. a/w. Mr. S.R. Agarkar, APP for the State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 3rd October, 2017.

P.C.:

This is the second Bail Application. The first Bail Application was disposed of, as the charge was framed on 18th April, 2016 and direction was given to the trial Court to complete the trial by adhering to the procedure under section 309 of the Cr. P.C. and to conclude it till 31st July, 2017. However, the trial is not over till 31st July, 2017. Hence, this Bail Application was moved.

2. The learned counsel for the applicant submitted that the applicant/accused is behind the bars since last 6 years and 4 months. He further submitted that till today only 10 to 14 witnesses are examined.

3. On query, the learned Special Public Prosecutor submitted that he has inquired about the progress of this Sessions case with the Investigating officer, who has communicated that the prosecution wants to tender evidence of 20 more witnesses.

4. As the evidence is recorded, I do not think it is proper to deal with the matter at the stage of bail. Moreover, my brother Judge Hon'ble Shri A.S. Gadkari by order dated 14th September, 2017 has extended the period of trial till 31st December, 2017. Under such circumstances, the learned Sessions Judge to take note that to conclude the trial on or before 31st December, 2017 and to follow the procedure of day-to-day hearing as contemplated under section 309 of Cr. P.C. Investigating officer is directed to keep the witnesses present in the Court without fail.

5. Bail Application is disposed of.

(MRIDULA BHATKAR, J.)