

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 604 OF 2017

(Bhaskar S/o Austin Joseph..vs..State of Maharashtra, through PSO.PS.Sitabuldi ,Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri D.V.Chauhan, Advocate for applicant.

Shri R.S.Nayak,A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J

DATED : SEPTEMBER 13,2017

This is an application for bail for the offence punishable under Sections 143,147,148,149,302,201 and 506(II) of the Indian Penal Code, Section 135 of the Bombay Police Act and Section 3 of the Maharashtra Control of Organised Crimes Act,1999, vide Crime No.380/2012, registered with P.S.Sitabuldi,Nagpur

Heard learned counsel for applicant and learned A.P.P.for State.

During the course of hearing it is reported to this Court by learned A.P.P. so also by learned counsel for applicant that this is the second attempt on the part of the present applicant. First attempt was through filing Criminal Application (BA) No.55/2014 and this Court on 24/6/2014 after a reasoned order allowed the applicant to withdraw the said application. However, liberty was granted to applicant to approach again to this Court if the trial is not proceeded at the requisite pace or there is any delay in the progress of trial. According to learned counsel for applicant though the trial commenced and 19

witnesses are examined till 15/10/2016 there is no substantial progress and therefore he claims bail.

The earlier order is a detailed order.

The learned A.P.P. submits that the delay occurred for conducting the trial cannot be attributed to the prosecution since learned Judge was not available. Further, he pointed out that recently Shri S.S.Das, presiding officer is appointed to preside over the Designated Court of Maharashtra Control of Organised Crimes Act,1999. The learned A.P.P. submitted on instructions that the learned Judge has fixed the trial on 20/9/2017, 21/9/2017 and 22/9/2017 for recording the evidence.

In that view of the matter, I see no reason to entertain the present bail application. Hence, application is disposed of.

It is expected from the learned Special Judge, Special Court under Maharashtra Control of Organised Crimes Act,1999 to dispose of the special case as early as possible.

JUDGE