

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

BAIL APPLICATION NO.318 OF 2018

Nattya @ Nitin Mohan Mhaske Applicant
Vs.
The State of Maharashtra Respondent

Mr. Satyavrut Joshi for the Applicant.
Mrs. P.P. Shinde, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 5th February, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 14th August 2015 in Crime No.124 of 2015, registered at Bundgarden Police Station, Pune. The charge-sheet is filed against the accused for the offence punishable under Section 302 read with 34 Indian Penal Code. The trial has commenced and the recording of substantive evidence of the complainant has commenced. The matter was deferred on 25th January 2017. It appears that there is no progress in the trial. On 6th July 2017, an application was filed by the advocate for the

original complainant contending therein that the complainant had subjected himself to recording of evidence, however, he was sent back on the ground that the matter would be adjourned and a costs of Rs.1,000/- was imposed upon the complainant. The said application is marked as Exhibit 32. In fact, it was an application seeking recalling of non-bailable warrant issued against the complainant.

3 Learned counsel for the applicant fairly submits that once the trial has commenced, the applicant would not be entitled to be enlarged on bail. However, the applicant seeks expeditious trial. The prayer of the applicant needs to be allowed.

4 The learned Sessions Judge, Pune seized with Sessions Case No. 616 of 2015 shall make every endeavour to conclude the recording of evidence as far as possible by the end of September, 2018. The learned Sessions Judge shall see to it that the matter would not be adjourned at the behest of the complainant on any count. Coercive orders may be passed against the prosecution, in the eventuality that they seek to adjourn the hearing of the matter without there-being any ground. With these directions, without going into the merits of the matter, the application stands disposed of.

5 The Registrar (Judicial-I) shall send the copy of this order to the learned Additional Sessions Judge, Pune seized with Sessions Case No. 616 of 2015.

(*Smt. Sadhana S. Jadhav, J*)