

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 764 OF 2018

Dattatrey Laxman Badekar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Rahul Arote a/w. Mr. Bhavesh Thakur, Karl Khan, Advocate for the applicant.

Mr. Rajan Salvi, APP for the State.

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

DATE: **4th May, 2018.**

P.C.:

Pursuant to the order passed by this Court, learned APP, on the basis of the written instructions received by him from the office of the Government Pleader of Raigad-Alibag, has submitted that the matter is fixed today, i.e., 4th May, 2018 before the 3rd Sessions Judge Shri M.R. Nerlekar for hearing. He submitted that the charge is framed. The complainant Manohar Karunk is summoned for evidence, however, he is not remaining present and therefore, the Sessions Court has issued bailable warrant. It is also informed that Writ Petition is filed by the complainant in the High Court.

2. This is the second Bail Application. The first Bail Application was rejected by this Court by order dated 27th January, 2017,

however, liberty was given to the applicant/accused to file fresh Application for bail if the trial is not commenced till 31st December, 2017.

3. I am informed by the learned counsel for the applicant that the complainant has filed Writ Petition No. 976 of 2018 questioning the investigation and seeking orders for further investigation from the High Court. He submitted that the Sessions Court, therefore, is not proceeding with the matter and now the Sessions Judge presiding over the Court is transferred. He further submitted that there are 33 witnesses of the prosecution and a cross case is filed by the accused.

4. Learned APP submitted that the prosecution is ready to go ahead with the matter and cooperate the Court. The trial can be concluded within one year.

5. It is made clear that no stay is granted by this Court in the impugned Writ Petition. Hence, the Sessions Court should proceed with the matter irrespective of the pendency of Writ Petition before the High Court. The accused is in prison since last two years, so the

Sessions Judge, after taking into account the principle of speedy and fair trial and the directions given by this Court while rejecting the first Bail Application, shall proceed with the matter immediately. The learned Sessions Judge to keep it in mind that he should follow the criminal procedure by conducting the trial day-to day and examining the relevant and material witnesses. The Sessions Court to complete the trial on or before 31st January, 2019. Both the prosecution and the accused to cooperate the Sessions Court.

6. Bail Application is rejected.

(MRIDULA BHATKAR, J.)