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

BAIL APPLICATION NO. 935 OF 2018 OF 2018

Babu Kasim Shaikh

..Applicant

Vs

The State of Maharashtra

..Respondents

Advocate Hamzah Lqeeque Kazi I/b Mohammed Umar Z. Kazi for applicant.
Ms. Rutuja Ambekarf, APP for State.

**CORAM : A.S.GADKARI, J.
DATE : 14th August 2018.**

P.C.:

1] Perused the impugned Order dated 25.9.2017 passed by the Judicial Magistrate First Class, 3rd Court, Kalyan in R.C.C. No.695 of 2016. The learned Magistrate has observed that, the Prosecuting Agency was unable to produce the applicant and therefore the trial could not proceed despite the fact that the Trial Court has framed charge on 10.7.2017.

2] It is prosecution case that, the applicant is Bangladesh Citizen and without having lawful documents has crossed the border of India and entered into India. Prima facie it appears that, if the applicant is released on bail, he will not be available for trial.

3] In view thereof, the learned Judicial Magistrate First Class, 3rd Court, Kalyan is directed to expedite the hearing of the said trial and to make an endeavour to conclude it within a period of of nine months from today. The Investigating Agency is directed to secure the attendance of the applicant from jail custody on stipulated dates before the learned Magistrate.

4] Application is disposed off in the aforesaid terms.

(A.S.GADKARI, J.)

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Chandrakant
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