

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

CRIMINAL BAIL APPLICATION No.1097 OF 2018

Nilesh Arun Bangar

... Appellant

Vs.

The State of Maharashtra

... Respondent

Mr.M.U. Kazi for the Appellant

Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: OCTOBER 25, 2018

P.C.:

1. This is a second application for bail. The applicant/accused is facing charges under sections 363, 366A, 376 r/w section 34 of the Indian Penal Code. The principal accused is charged with section 366A of the Indian Penal Code. The first bail application was rejected on 9.2.2017.

2. It is informed by the learned Counsel that the evidence of the prosecutrix has started in June, 2017, the cross-examination of the prosecutrix is incomplete since 1.7.2017. The learned Counsel submits that the prosecutrix is cross-examined, however, 'no cross'

order is passed against the accused No.1 who is the principal accused on 22.11.2017.

3. Learned Prosecutor submits that thereafter on a number of occasions, the matter appeared on board. On some occasions, the witnesses did not remain present. However, on many occasions, the counsel for accused No.1 did not remain present.

4. The trial is proceeding in a most unsatisfactory manner. It is the responsibility and duty of the Court to proceed with the matter. If the lawyer of accused No.1 remains absent continuously, then, accused No.1 is to be asked to change the lawyer and if he does not want to change the lawyer, he is to be offered legal assistance from the Free Legal Aid. The advocates for both the accused shall cooperate with the Court. The trial Court to proceed with the matter on a day to day basis from 13th November, 2018 and conclude the trial on or before 28th December, 2018. The prosecution to keep the witnesses present as per the schedule given by the trial Judge.

5. Bail application is rejected accordingly.

(MRIDULA BHATKAR, J.)