

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

CRIMINAL BAIL APPLICATION NO.2602 OF 2018

Vaibhav @ Nikhil Naresh Bhagat	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Niranjan S. Mundargi i/b. Mr.Kunal Ambulkar, Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent – State.

Mr.Kshirsagar, API, Mumbra Police Station, District – Thane, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 30, 2018.

P.C. :

This is an application for bail. Learned counsel for the applicant without going into the merits of the case submitted that trial had already commenced, and, so far prosecution has examined about five witnesses. It is submitted that while rejecting the application for bail preferred by the father of the applicant, this Court had directed expeditious hearing of the case. He also pointed out the order passed by the trial Court, wherein the prosecution was directed to proceed with the matter on day to day basis. It is, therefore, submitted that if trial is concluded

expeditiously, he would not press this application for bail. Learned APP, on instructions from the officer who is present in the Court, submits that the prosecution intends to examine eight more witnesses and the summons has been served upon them. He submitted that since the Court is also dealing with the other matters, it would take about six months to close evidence. Learned counsel for the applicant, however, submitted that primary witnesses are already examined and the prosecution should not take a longer time to examine the remaining witnesses. It is pertinent to note that the applicant is in custody from 12th May, 2015. Taking into consideration the said fact and since the prosecution has already examined five witnesses and about eight more witnesses are to be examined, trial Court is directed to conclude the trial within a period of six months from the date of receipt of the order. Prosecution and defence shall co-operate with the trial Court. Prosecution shall not delay the production of witnesses for the purpose of examination. Unreasonable adjournment should not be sought by the defence. With the aforesaid directions, application can be disposed of. It is made clear that the Court has not considered the merits of the case. Hence, Bail Application No.2602 of 2018, is disposed of accordingly.

2 In the event trial is not concluded within the time stipulated in this order, applicant would be at liberty to prefer fresh application before the trial Court.

(PRAKASH D. NAIK, J.)