

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

BAIL APPLICATION NO.2676 OF 2017

Santosh @ Bhau Jayram Bhagat ... Appellant

Vs.

The State of Maharashtra ... Respondent

Mr.A.C. Thool, Advocate appointed for the Appellant

Mr.Y.M. Nakhwa, APP, for Respondent / State

Mr.R.Das Dere, Investigating Officer, Niphad police station, Nasik Rural - present

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: FEBRUARY 21, 2018**

P.C. :

1. Learned Advocate for the applicant, who is appointed through legal aid, submits that this second bail application is filed on the ground that the co-accused are released on bail. The charge is not framed as yet and he also prays that the trial be expedited.

2. Learned Prosecutor while opposing the application, has submitted that charge could not be framed as accused Nos.1, 4 and 5 are not before the Court and non-bailable warrants are

issued against the said accused. The learned Counsel for the applicant/accused submits that though the non-bailable warrants are issued on 4.4.2017, there is no progress.

3. The first bail application was rejected on 20.7.2015 on merits. The grounds given for this bail application are not good grounds to entertain this application. However, it is necessary to note a certain disturbing fact that the trial Court has issued non-bailable warrants against the applicants/accused 1, 4 and 5 on 4.4.2017 and till today, the police have failed to execute the said non-bailable warrants. It is the duty of the trial Court to give a time-bound programme to the police and the prosecution. The trial Court cannot wait for long time and keep pending the matters for years together. In the circumstances, the trial Court to proceed with the trial of the under-trial prisoners, who are before it and may separate the case of absconding accused.

4. The bail application is accordingly rejected.

(MRIDULA BHATKAR, J.)