

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

BAIL APPLICATION NO.2928 OF 2017

Raju @ Rajendra Haribhau Shinde		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Aniket U. Nikam i/by Mr. Aashish Satpute for the Applicant.
Mr. S.H. Yadav, APP for the State.
Mr. T.S. Tonape, PSI, Hinjewadi police station present.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 8th February, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure seeking enlargement on bail. The applicant herein is original accused no. 2 in Crime No.282 of 2014, registered at Hinjewadi Police Station, Pune on 12th June, 2014. The applicant was arrested on 16th June 2014. The investigation is completed and the charge-sheet is filed on 9th September, 2014. The applicant was enlarged on bail by an order dated 8th December 2014 on the

condition that he would file an undertaking that he shall not tamper with the prosecution evidence in any way and shall attend police station, Hinjewadi on every Monday between 5.00 pm. to 7.00 pm. till filing of the charge-sheet. The applicant is charge-sheeted for the offence punishable under Sections 307, 120(B) read with 34 Indian Penal Code, under Section 3 read with 25 of Indian Arms Act and under Section 37(1) read with 135 of Maharashtra Police Act.

3 The applicant has not abided by the said conditions. More so, the applicant has not even reported to the Court of Sessions and therefore non-bailable warrant was issued on 14th July, 2017, since the accused nos. 1, 3 to 6 were present before the Court and yet the charge could not be framed due to absence of the present applicant. The non-bailable warrant was executed on 27th May, 2017 and since then he is in custody. Since the applicant had not abided by the conditions imposed upon him while granting bail, it would not be appropriate to consider the application seeking enlargement on bail as there is no hope that he may co-operate with the trial. In view of this, the trial needs to be expedited.

4 The learned Additional Sessions Judge seized with Sessions Case No.505 of 2017 shall make every endeavour to conclude the recording of evidence as far as possible within six months from the date of framing of charge. Learned APP has

submitted, upon instructions that the next date for framing of the charge is 14th February 2018. The learned Additional Sessions Judge shall frame charge on 14th February 2018 and proceed with the trial forthwith in accordance with law without being influenced by the observations made herein above.

(Smt. Sadhana S. Jadhav, J)