

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.84/2018

Datta s/o Kanba Vaykule ..vs.. State of Maharashtra through PSO P.S.
Bittargaon, Tq. Umarkhed, Dist. Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V. N. Patre, Advocate for applicant.
Mr. A. Madiwale, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 31, 2018

1. Heard Mr. V. N. Patre, Advocate for applicant and
Mr. A. Madiwale, A.P.P. for non applicant-State.

2. This is the second application filed on behalf of
the applicant to release him on bail. His first application i.e.
Criminal Application No.443/2017 was dismissed on merit
by this Court (Coram: Z. A. Haq, J.). While dismissing the
application, this Court has observed that the Sessions Court
shall endeavour to dispose of the trial keeping in mind the
directions given by the Hon'ble Apex Court in **Hussain Vs.**
Union of India; reported in **2017 SC 1362**.

3. The applicant has every right to file successive
bail applications. However, for that the applicant must
change in the circumstance. The learned counsel Mr. V. N.
Patre fairly submits that there is no change in the
circumstance. However, there is also no progress of the trial.

The prosecution has not examined any witness. Along with this application at Annexure 7, the applicant has filed copies of Roznama of Sessions Trial No.9/2016. The Roznama shows that after order dated 30.06.2017 passed by this Court on 18.07.2017, the learned Additional Sessions Judge framed charge against the present applicant and the other co-accused and the case was fixed for programme. Thereafter on subsequent dates, the programme was given and the case was fixed for recording of evidence. Summons were issued for procuring presence of the witnesses.

4. Thus, it is clear that the trial is in progress. The applicant cannot submit that only his trial should be taken first especially when there are no specific directions given by this Court for disposal of the Sessions Trial within the stipulated period. From the Roznama, it is clear that Additional Sessions Judge, Pusaad is taking all efforts to conduct the trial. Hence, the contention of the learned counsel for the applicant that there is no progress in the trial, in my view, is misconceived.

In view of above, the application is rejected.

JUDGE