

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

BAIL APPLICATION NO. 3384 OF 2018

Ajit Bhagwan Tiwade ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
CRIMINAL APPLICATION NO. 770 OF 2019
IN
BAIL APPLICATION NO. 3384 OF 2018**

Ajit Bhagwan Tiwade ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Niranjan Mundargi i/b Sachin B. Chandan, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th December, 2019

PC :

1. The applicant is seeking bail in connection with C.R. No. 85 of 2010 registered with Rajarampuri Police Station, Kolhapur for offences punishable under Sections 302, 307, 147, 148, 341, 323, 120-B, and 427 of Indian Penal Code. Subsequently, provisions of Sections 3(1)(i), 3 (1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 ("MCOC Act" for short) were invoked.

2. The applicant was arrested on 17th June, 2010. The investigation is completed and charge-sheet is filed.

3. Learned advocate for the applicant submitted that the applicant is in custody for a period about 9 years and 5 months. The Trial has not been concluded. The prosecution so far examined 19 witnesses. The applicant cannot be subjected to inordinate incarceration in custody. There are contradictions in the version of eye witnesses. Reliance is placed on the decision of the Apex Court delivered in Criminal Appeal No. 233 of 2017. The Apex Court was pleased to grant bail to the accused facing prosecution under the provisions of MCOC Act and offence under Section 302 of IPC. Considering the fact the accused was in custody for a period about 7 years, bail was granted to him. It is submitted that the applicant be granted bail on similar ground.

4. Learned APP submitted that the prosecution has examined 19 witnesses. The rojnama indicates that on the previous occasion the matter was adjourned at the instance of the accused. It is submitted that the rojnama also indicates that the advocate of the accused were not present and there is no cooperation from the accused for completing the trial expeditiously.

5. Factually the applicant is in custody for more than 9 years.

However, considering the fact that the prosecution has so far examined 19 witnesses. The Trial Court can be directed to conclude the trial expeditiously.

ORDER

- i) Bail Application No.3384 of 2018 stands rejected.
- ii) The trial Court is directed to conclude the Trial within a period of six months from the date of receipt of this order.
- iii) The accused shall cooperate with the Trial Court in concluding the trial expeditiously.
- iv) In the event, the Trial is not concluded stipulated time, then the applicant will be at liberty to prefer fresh application for bail.
- v) Bail Application No. 3384 of 2018 as well as Criminal Application No. 770 of 2019 stand disposed of accordingly.

(PRAKASH D. NAIK, J.)