

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1797 OF 2019

Uneb Nasir Kewal, Age 31 years,  
R/o.Room No.201, Panchratna Tower,  
Behind Shamser Masjid, Nayanagar,  
Mira Road (East), Mumbai.

Applicant

versus

The State of Maharashtra and another

Respondents

Adv.Anjali Patil for applicant.

Adv.Mandar Soman with Mr.S.A.Khan for first informant.

Mr.N.V.Chavan, PSI, Naya Nagar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6<sup>th</sup> September 2019

PC :

1. This is second application for bail. The previous application viz Bail Application No.1892 of 2018 was rejected by me vide order dated 8<sup>th</sup> October 2018. However, it was directed that in the event trial does not commence within a period of six months from the date of receipt of the order, the applicant may be at liberty to prefer a fresh application for bail before this Court.

2. Learned counsel for applicant submits that the period of six months is over and there is no progress in the trial. The applicant has not played any major role in the alleged crime. He is in custody from 2<sup>nd</sup> March 2018. The applicant can be put to any terms while granting bail.

3. Learned APP on instructions submitted that trial has commenced. The first witness is under examination. The examination-in-chief of the said witness is recorded on 21<sup>st</sup> August 2019 and the case is posted for cross examination on 13<sup>th</sup> September 2019. Learned APP further submitted on instructions from the officer who is present in Court that prosecution proposes to examine about 14 witnesses and endeavour will be made to produce the witnesses for examination before the Court as and when the Trial Court directs. It is also submitted that the offence is of serious nature and bail may not be granted to the applicant. It is submitted that witnesses summons has already been issued to about six witnesses and the trial is likely to be over as early as possible.

4. Learned counsel for the intervenor reiterated the submissions advanced by learned APP and by relying upon roznama he submitted that the trial has already commenced. Learned advocate representing the applicants was absent on some occasions. The delay in concluding the trial is not deliberate and it is only on account of certain circumstances that the trial could not be concluded. The complainant who is examined as first witnesses by the prosecution was always present in the Court on the date of hearing. Per contra, learned counsel for applicant submitted that the trial was not delayed on account of defence and the witnesses were not present for examination on the date of hearing.

5. Be that as it may, considering the submissions advanced by learned APP, the Trial Court can be directed to conclude the trial expeditiously. Hence, I pass following order :

**ORDER**

- (i) Criminal Bail Application No.1797 of 2019 stands rejected and disposed of;
- (ii) The Trial Court is directed to conclude the trial within a period of four months. The Trial Court shall make an endeavour to give priority to this case considering the fact that the accused are in custody;
- (iii) The prosecution as well as defence shall co-operate with the Trial Court in concluding the trial expeditiously;
- (iv) In the event trial is not concluded within four months, the applicant would be at liberty to prefer fresh application for bail before this Court.

(PRAKASH D. NAIK, J.)

MST