

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

CRIMINAL APPLICATION NO. 1077 OF 2019

Sudhir S/o. Prahlad Dhawale & Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

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Mr.Mihir Desai, Senior Advocate i/b. Ms.Devyani Kulkarni for the Applicants.

Mrs. Aruna Pai, APP for the Respondent -State.

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CORAM : S. S. SHINDE, J
DATE : 18 September 2019

P.C.

1. This Application is filed with following substantive prayer :

- a) the present Application be allowed and the impugned orders dated 04.06.2019 and 17.06.2019 at Exhibit B and C respectively passed by the Ld. Special Judge, Pune in ATS No. 1 of 2018 staying the hearing of Regular Bail Applications of the Applicants/Accused for indefinite period be quashed and set aside;

2. Learned Senior Counsel appearing for the applicants, on instructions, submits that the applicants are ready to go ahead with their bail applications pending before the Special Court, Pune on the basis of chargesheet and available records without insisting for clone copies of the record.

3. Learned APP appearing for the respondent -State invites attention of this Court to the affidavit in reply filed by the concerned police officer and in particular paragraph No. 17 thereof, and submits that in case the applicants are ready to proceed with hearing of the pending applications before the Special Court for bail on the basis of material i.e., chargesheet relied upon by the prosecution, then the prosecution has no objection for hearing of such applications by the Special Court.

4. In the light of submissions made across bar by learned Senior Counsel appearing for the applicants and learned APP appearing for the respondent -State, and keeping in view the reply filed by the concerned police officer, without entering upon the contentions raised on merits or any other aspect, this Criminal Application is disposed of with the directions to the Special Court, Pune to proceed with the pending bail applications, ignoring the observations made in the impugned orders

that unless clone copies of the electronic records are sought/ supplied to accused, the bail applications cannot be heard, and to decide the said applications as expeditiously as possible, however, within a period of two months from the receipt of copy of this order.

5. It is made clear that the directions to expeditious disposal of the said applications are given on the assurance given by learned Senior Counsel appearing for the applicants that learned advocate, who is appearing for the applicants in the Special Court, Pune, will extend full co-operation to the Special Court for early disposal of the bail applications.

6. Needless to observe that the Special Court can also decide the application dated 26.08.2019 filed by the respondent -State on its own merits within aforesaid stipulated period. It is further made clear that this Court has not expressed any opinion on the contentions raised on merits either by the applicants or respondent -State, and it is for the concerned Court to take an appropriate decision in accordance with law within aforesaid stipulated period.

7. With the above observations, criminal application stands disposed of.

[S. S. SHINDE , J]