

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

CRIMINAL APPLICATION NO. 1142 OF 2019

Dr.Shoma Kanti Sen

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr.Subodh Desai a/w. Ms.Susan Abraham i/b. Mr.Nilesh Y. Ukey for the Applicant.

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 **Exhibits C and D** respectively, passed by the Ld. Special Judge, Pune in ATS No. 1 of 2018 staying the hearing of Regular Bail Application of the Applicant/ Accused for indefinite period be quashed and set aside;

2. Learned Counsel appearing for the applicant, on instructions, submits that the applicant is ready to go ahead with her bail application 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 applicant is ready to proceed with hearing of the pending application 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 application by the Special Court.

4. In the light of submissions made across bar by learned Counsel appearing for the applicant 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 application, ignoring the observations made in the impugned orders that unless clone copies of the electronic records are sought/ supplied to

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accused, the bail application cannot be heard, and to decide the said application 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 application is given on the assurance given by learned Counsel appearing for the applicant that learned advocate, who is appearing for the applicant in the Special Court, Pune, will extend full co-operation to the Special Court for early disposal of the bail application.

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 applicant 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]