

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

CRIMINAL BAIL APPLICATION NO.2944 OF 2018

Rudrasen Ramsajan Yadav

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Mr.N.P. Dalvi i/b. Mr.A.U. Pawar, Advocate for the Applicant.

Ms.P.P. Shinde, APP for Respondent - State.

PSI Vadare, Crime Branch Unit - 8, Mumbai, present.

PSI Kashib, Sakinaka Police Station, Mumbai, present.

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**CORAM : PRAKASH D. NAIK, J.
(CHAMBER MATTER)**

DATED : AUGUST 19, 2019.

P.C. :

This is the second application for bail. The earlier application viz. Bail Application No.1512 of 2018, was disposed of vide order dated 27th August, 2018, by permitting the applicant to withdraw the said application.

2 Learned counsel for the applicant submits that although the applicant is in custody from 21st May, 2017, trial has not commenced. Although the case was kept for framing charge, on several occasion, the trial Court has not proceeded

with framing of charge. There is no eye witness to the incident and the prosecution is relying upon the evidence in the nature of extra judicial confession and circumstantial evidence.

3 Learned APP submitted that the earlier application was withdrawn since the Court was not inclined to grant bail to the applicant. There is no change in circumstance. It is further submitted, on instructions, that the advocate for the accused was absent before the trial Court on several dates of hearing. Learned APP has placed on record the report submitted by the Senior Inspector of Police Sakinaka Police Station, Mumbai. I have also perused the case status which is tendered by the learned counsel for the applicant.

4 In view of the earlier order dated 27th August, 2018, and considering material on record, bail cannot be granted to the applicant. However, considering the circumstances put-forth by the learned counsel for the applicant, the trial can be expedited. On perusal of the case status, it is apparent that the trial Court had listed the matter for framing charge on 27th April, 2018, and, thereafter repeatedly upto 20th October, 2018. Subsequently, the case appears to have been listed for hearing.

The applicant is in custody from 21st May, 2017. However, the charge is yet to be framed. In the circumstances, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2944 of 2018 is rejected;
- (ii) Trial is expedited;
- (iii) Trial Court shall proceed to frame the charge against the applicant within two weeks from date of receipt of this order;
- (iv) Trial Court is further directed to conclude the trial within a period of six months. It is expected that the defence would co-operate with the trial Court in concluding the trial expeditiously;
- (v) In the event the applicant-accused do not engage an advocate of his own choice, it will be open for the trial Court to appoint the advocate from legal aid panel;
- (vi) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)