

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.547 OF 2019

(Sheikh Wasim Sheikh Musa Vs. The State of Maharashtra thr. PSO Mankapur,
Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri R.J. Mirza, Advocate for Applicant.
Shri T.A. Mirza, APP for Respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 9th JULY, 2019.

This is the third application preferred by the applicant – accused for bail.

2] The accused is in custody since 18.05.2017 for offence punishable under Section 307 of the Indian Penal Code.

3] The accusation is that while two co-accused assaulted the complainant, the accused and another co-accused held the hands of the complainant.

4] The first application was disposed of vide order dated 02.11.2017 with the observation that the accused would be at liberty to apply afresh if the trial does not commence within the period of four months.

5] The second application was disposed of as withdrawn. It would appear from order dated 06.07.2018 (Coram: R.B. Deo, J.) that the Court was not inclined to entertain the application and therefore, the application was withdrawn.

6] This application is moved on the ground that there is no progress whatsoever in the trial.

7] The examination-in-chief of the complainant is recorded partly on 12.12.2018 and thereafter he has not turned up presumably since he is externed.

8] The accused is incarceration since more than two years. Since, the trial is proceeding at a snail's pace for reasons not attributable to the accused, a case for grant of bail is made out.

9] The accused be released on bail on furnishing cash security of Rs.16,000/- and solvent surety of like amount. The accused shall attend the proceedings of the trial Court scrupulously.

10] The accused shall not directly or indirectly attempt to tamper with the evidence or influence the witnesses. The application is disposed of.

JUDGE