

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

CRIMINAL APPLICATION (APPA) NO. 485/2020
IN
CRIMINAL APPEAL NO. _____/2020

Subhash L. Pachare
..VS..
State & anr.

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

Court's or Judge's orders

Shri Sk. Sabahat Ullah, Advocate for the applicant/appellant
Shri T.A. Mirza, APP for the non-applicant/respondent

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 21/12/2020

1] None appears for the non-applicant –
respondent no. 2, though served.

2] Accepting the explanation given in the
application, specially that the applicant – appellant is in jail,
the delay of 28 days in filing the appeal is condoned.

3] The criminal application is **allowed** accordingly.

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4] Taken up for hearing on admission.

5] After arguing for sometime, when we expressed
that we are not inclined to interfere with the impugned order
passed by the learned Additional Sessions Judge, learned

advocate for the appellant, on instructions, sought permission to withdraw the appeal. However, he requested that the trial may be expedited and if the trial does not commence within four months, the appellant may be granted liberty to move the Sessions Court again for grant of bail.

6] As the request made by the learned advocate for the appellant is justified, learned APP has not objected.

7] The appeal is **dismissed** as withdrawn.

8] Learned Additional Sessions Judge shall expedite the trial and complete it till 31/07/2021.

If the trial does not commence till 31/07/2021, the appellant - accused will be at liberty to move the Sessions Court reiterating his request for grant of bail.

9] At the time of hearing of the appeal, the order passed by the learned Additional Sessions Judge in Criminal Bail Application No. 303/2020 filed by the co-accused – Mayur Mangeshrao Kuntal was referred by which bail is granted to the co-accused – Mayur Mangeshrao Kuntal. After going through the order passed in Criminal Bail Application No. 303/2020, we expressed that *prima-facie* Criminal Bail Application No. 303/2020 should not have been allowed and we intended to issue notice to the co-accused – Mayur Mangeshrao Kuntal calling upon him to show cause as to why the bail granted to him as per the order dated 15/07/2020 should not be cancelled. However, as the order directing release of the co-accused – Mayur Mangeshrao Kuntal is passed more than five months earlier and nothing adverse is

pointed out against the co-accused – Mayur Mangeshrao Kuntal by the respondent – State after his release on bail, we have dropped the idea of issuing show cause notice to the co-accused – Mayur Mangeshrao Kuntal as observed earlier.

However, it is directed that if the co-accused – Mayur Mangeshrao Kuntal fails to comply with the condition imposed by the learned Additional Sessions Judge vide para no. 2 (ii) of the operative order passed in Criminal Bail Application No. 303/2020 and is not present before the Sessions Court on any date, the learned Additional Sessions Judge shall immediately refer the matter to this Court for passing appropriate order regarding cancellation of bail of the co-accused – Mayur Mangeshrao Kuntal.

JUDGE

JUDGE