IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 BAIL APPLICATION NO.56 OF 2021

RAJESH RAVI CHALLA
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant : Mr. Deepak D. Choudhari
Mr.SB Narwade, APP for Respondent-State

CORAM : SMT.VIBHA KANKANWADI,J.
DATE : 8th March, 2021.

PER COURT :-

1. Heard both sides. So also seen progress report given by learned District Judge-1 and Additional Sessions Judge, Kopargaon dated 17.2.2021.

2. It is to be noted that the present applicant had filed Bail Application No.374/2019 for regular bail before this Court, which came to be disposed of, as withdrawn, on 16.4.2019. Thereafter, once again, he approached this Court by filing Bail Application No.696/2019 for regular bail. That Bail Application came to be rejected on merits on 8.8.2019 by this Court. Thereafter, it appears that the present applicant had filed Special to Appeal (Criminal) No.11375/2019 against

the order passed by this court on 8.8.2019, before the Hon'ble Apex court. The Hon'ble Apex Court disposed of the said Special Leave to Appeal on 17.12.2019 with directions to conclude the trial before 30.6.2020.

3. It appears that after the writ was received from the Hon'ble Apex court, Non-bailable warrant was issued to the co-accused, who was already then released on bail. However, since other accused persons are residing in Andhra Pradesh, the police machinery is finding it difficult to execute those warrants. In the meantime, the said Court had prayed for extension of time to the Hon'ble Apex court and then time was extended by six months from 29.10.2020. The said directions were communicated to the said Court on 30.1.2021. Thereafter, it appears that since other accused persons are absconding, the trial of the present applicant has been separated by passing an order below Exhibit-1 on 6.2.2021. Thereafter, when the matter was fixed for framing charge, the court staff had made enquiry as to in which jail the applicant was kept and it came to know that he is lodged in Yerwada Jail, Pune.

4. Now, the order is shown by the learned APP, which appears to be passed by the learned JMFC on 10.5.2019, authorizing detention of the present applicant with Yerwada jail, Pune. The learned Additional Sessions Judge has stated that as per the directions of the Hon'ble Apex Court, the trial has to be concluded not later than 29.4.2021. Under such circumstance, the learned Advocate, appearing for the applicant, prays for withdrawal of the application with directions to the concerned Court to complete the trial as per the dead-line given by the Hon'ble Apex court. He also submits that he may be allowed to file an application for bail, if the trial does not get concluded within the stipulated time.

5. Since the matter has already been made time-bound by the Hon'ble Apex court, there is no question of issuing any fresh directions by this Court and assurance is given by the concerned Court that it will try to dispose of the case in question within the time limit. Further, whether to extend the time or not would be the prerogative of the Hon'ble Apex court and, therefore, the liberty as prayed by learned Advocate for applicant, cannot be

granted by this court. He may approach the appropriate forum for the same.

6. With these observations, the Bail Application stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV