

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

931 CRIMINAL WRIT PETITION NO.992 OF 2021

**SANDIP @ JONTY BALASAHEB GIRHE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Petitioners : Mr.Jadhav Satej S.
APP for Respondents -State : Mr. R.B.Bagul

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CORAM : SURENDRA P.TAVADE , J.

DATE : 23rd September, 2021.

P. C. :

1. The petitioner has filed this petition for direction to the trial Court to expedite his bail application Exh. 173 in Session Case No. 26 of 2019 pending before the Additional Sessions Court, Ahmednagar. It appears that the petitioner was arrested on 13.04.2018. He has filed applications for bail on various grounds including a ground of parity. It appears that co-accused persons are released on bail, but the State has filed an application for cancellation of said bail of the applicant, therefore the trial Court has not decided the application of the petitioner.

2. Heard the learned counsel for the petitioner. He submits that decision of the application for cancellation of bail may take some

time and till that time the trial Court should not delay the hearing of the bail application of the petitioner. Hence he is simply seeking direction to the trial Court for expeditious hearing of his bail application.

3. Heard learned APP for the respondent-State. He submits that the co-accused persons have been released on bail. But the present petitioner has filed application for bail on the ground of parity. The State has challenged the order of granted in favour of co-accused. Therefore, the fate of this application of the petitioner before the Sessions Court is depends on the result of the applications submitted by the State for cancellation of bail and therefore, the learned APP prays that the petition may not be considered.

4. It appears that the petitioner is languishing in jail since last three years and some of the co-accused have released on bail. The said bail order of the petitioner is challenged before this Court, therefore the trial Court is not deciding the application of the petitioner. In fact the trial Court has to decide the application of the petitioner either way by giving preference. There are no directions given by this Court in the application for cancellation of bail of two accused, therefore the trial Court is required to be decide the bail application of the petitioner as early as possible without waiting for

the orders of this Court. Hence the following order :

ORDER

- a. Petition is allowed.
- b. The Trial Court is directed to decide the bail application Exh. 173 in Sessions Case No. 26 of 2019 as early as possible, but at any cost within one month.

**(SURENDRA P.TAVADE)
JUDGE**

mahajansb/