

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

**BAIL APPLICATION NO. 2182 OF 2021
WITH
INTERIM APPLICATION NO. 1971 OF 2021**

Ashish Balkrishna Gupta ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

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Mr. Burzin Bharucha i/b. White and Brief, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. Ashutosh Thipsay a/w Ms. Heena Shaikh i/b. M. V. Kini & Co., for Respondent No.2 in Bail Application (Air India/original Complainant).

Mr. Madhukar Devji Kadam, API, Bangur Nagar Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 23rd SEPTEMBER, 2021

PER COURT:

1. The applicant is in custody in connection with C.R. No. I-179 of 2015 registered with Bangur Nagar Police Station for offences under Section 409 and 420 of Indian Penal Code.

2. Bail application No. 2182 of 2021 is preferred seeking bail pending trial. Interim Application No. 1971 of 2021 is for interim bail. FIR was registered vide C.R. No. I-179 of 2015 with

Bangur Nagar Police Station. It was alleged that applicant failed to make payment to International Air Transport Association (“I.A.T.A.”) which was due to complainant/Air India.

3. Applicant was arrested on 8th November, 2017. Charge-sheet was filed on 4th January, 2018. This Court rejected bail application of applicant on 30th October, 2018. The applicant preferred application for bail on medical ground. Temporary bail was granted for 12 weeks on 8th January, 2019. The applicant had approached apex Court for interim bail and the Court did not grant relief. The applicant surrendered on 26th April, 2019.

4. The applicant preferred Writ Petition No.912 of 2019. By order dated 25th June, 2019 the proceedings before trial Court were stayed. The applicant preferred application for bail before Sessions Court on 27th June, 2019. Application was rejected on 2nd December, 2019. On 5th February, 2020, applicant was granted bail on Medical ground for 12 weeks. On 30th April, 2020 bail was extended for 12 weeks. On 16th February, 2021 bail was granted on medical ground for 8 weeks. It was extended till 26th April, 2021 and 1st July, 2021. Further prayer for extension was rejected on 30th June, 2021. The applicant surrendered on 5th July, 2021.

5. The applicant was in custody from 8th November, 2017 - 7th February, 2019, 26th April, 2019 - 7th February, 2020, 5th July, 2021 till date.

6. Learned counsel for the applicant on instructions submitted that the petition has been withdrawn by the applicant. He produced order dated 20th September, 2021. The applicant is ailing. He is in custody for substantial period of time and hence the trial may be expedited with directions to conclude it within a period of four months. The Writ Petition No. 912 of 2019 was withdrawn by applicant to enable the trial Court to proceed with the matter. On instructions, the application for bail may be allowed to be withdrawn.

7. Learned counsel for the complainant submitted that the trial Court has been communicated the order dated 20th September, 2021, withdrawing the Writ Petition and stay being vacated. The proceedings are posted before the trial Court for further hearing on 4th October, 2021.

8. Considering the submission of learned counsel for the applicant, the trial Court can be directed to proceed with the trial and conclude it expeditiously.

ORDER

- (i) Bail Application No.2182 of 2021 and Interim Application No. 1971 of 2021 are disposed of as withdrawn.
- (ii) Trial is expedited.
- (iii) Learned Magistrate is requested to conclude the trial expeditiously within a period of four months from the date of the receipt of this order.
- (iv) The order shall be communicated to trial Court immediately.

(PRAKASH D. NAIK, J.)