

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO. 1398 OF 2020**

Sunil Sadanand Nichite

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. S.R.Phanse for the Applicant.

Mr. S.V.Gavand, A.P.P for the Respondent-State.

API Shrikant Jadhav from Shahapur Police Station present.

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 17<sup>th</sup> MARCH, 2021**

**P.C. :**

1. This is the second bail application preferred by the applicant seeking his enlargement on bail in connection with C.R.No.I-191 of 2016 registered with the Shahapur Police Station, Thane for the alleged offence punishable under Section 302 of the Indian Penal Code.

2. After arguing for sometime, when the Court was not inclined to enlarge the applicant on bail, learned Counsel for the applicant sought leave to withdraw the same. Learned Counsel, however, requests that the trial of the applicant be made time bound, having regard to the earlier order passed by this Court on 31/07/2019, in the applicant's first bail application

being Bail Application No.797 of 2018.

3. Having regard to the grievance made by the learned Counsel for the applicant, that the accused was not produced on the dates given by the Trial Court, thus, delaying the progress of the trial, the learned APP was directed to file an affidavit of the concerned authorities responsible for production of the applicant before the Trial Court. Pursuant thereto, the learned APP has tendered an affidavit of Mr. Ankush S. Sadaphule, Superintendent of Kalyan District Prison, Class-I, Kalyan (West), Dist.Thane. The same is taken on record. In the said affidavit, it is stated that the applicant was produced before the Trial Court on the dates given by the Trial Court. Learned APP, on instructions, states that the concerned authorities responsible for providing escort will also provide necessary escort, so that the applicant can be produced before the Trial Court on the dates given by the Trial Court. Statement accepted.

4. Vide order dated 31/07/2019, the applicant's first bail application was dismissed as withdrawn. However, since the case was of 2016, the trial of the applicant was expedited and the Trial Court was directed to dispose of the case as expeditiously as possible and preferably within 9 months from the date of receipt of the said order. It is informed that out of 18 witnesses, only 2 witnesses have been examined till date, the

last witness having being examined on 02/03/2020. It appears that there is no substantial progress in the said case after 02/03/2020, because of COVID. With the new SOPs in place, there is no impediment for the trial Court to now proceed with the trial of the applicant. The applicant is in custody for more than 4 ½ years. Till date, only two witnesses are examined and it appears that the prosecution intends to examine 15-16 more witnesses. Considering the affidavit filed by the Superintendent of Kalyan District Prison and the statement made by the learned APP that the concerned authority will provide escort as and when the applicant is required to be produced before the Trial Court, there will be no impediment for the Trial Court to proceed with the case.

5. Accordingly, the trial of the applicant is expedited. The learned Judge to give short dates so as to conclude the trial as expeditiously as possible and in any event, within nine months from the date of receipt of this order. The aforesaid order to be placed before the learned Judge seized of the said case.

6. Accordingly, the application is disposed of.

7. All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**