

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3008 OF 2019
WITH
INTERIM APPLICATION NO. 1395 OF 2020**

Ajit Atmaram Apraj ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 1500 OF 2020
(NOT ON BOARD)**

Nitin Punjalal Dave ... Applicant
IN THE MATTER BETWEEN
Ajit Atmaram Apraj ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Fakhrudhin Khan a/w Mr. Vikar A. Tiwari i/b. Ms. Akshada A. Patil, Advocate for the Applicant in B.A. No.3008 of 2019.
Mr. Sudeep Pasbola i/b. Mr. Bipin Joshi, Advocate for the Applicant/Intervenor in I.A. No.1500 of 2020.
Mrs. A. A. Takalkar, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 06th JANUARY, 2021**

PC :

1. Vide Order dated 14th December 2020 this Court had directed that the prosecution shall keep P.W. No.1 present before the trial Court on the next date of hearing and that the trial Court shall proceed with the case. It was also directed that the defence shall co-operate with the trial Court in proceeding with trial.
2. The case was listed before the trial Court on 04th January 2021. The Roznama dated 04th January 2021 indicate that

PW. No.1 was present in the Court. The evidence was partly recorded. Learned APP who had appeared for the first time submitted that he is dealing with the matter for the first time and requires some time to go through the record and conduct the matter. Hence the case was adjourned to 19th January 2021. The trial Court gave direction to the Jail Superintendent to keep all the accused present on the next date without fail as the matter is High Court time Bound.

3. Learned Advocate for the applicant submits that the trial has been adjourned from time to time. The applicant is in custody from 2015. The trial is not delayed by the accused. Learned Counsel for the Intervenor and learned APP submits that the learned Prosecutor was present on the last occasion and he would continue to represent the prosecution till the Special Public Prosecutor is appointed. Learned Counsel for the Intervenor further submitted that on the ground of appointment of Special Public Prosecutor, the complainant would not seek adjournment and he would remain present before the Court for recording evidence.

4. The intervener (PW.No.1) has preferred an application for intervention in this application. The same is allowed. Leave to amend the application to add complainant/intervener as respondent

in this application.

5. It is made clear that both the sides shall co-operate with the trial Court. The Prosecutor shall not seek an adjournment on the ground of appointment of Special Public Prosecutor. As submitted by learned APP and learned Counsel for the Intervener, the regular Prosecutor shall conduct the trial on behalf of the prosecution until Special Public Prosecutor is appointed and the complainant shall remain present in the Court for recording evidence, even if, the Special Public Prosecutor is not appointed. The next date before the trial Court is on 19th January 2021. Hence the application is adjourned to 21st January 2021.

6. Intervention Application No.1500 of 2020 stands disposed of.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)