

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

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S.
Chitnis

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CRIMINAL BAIL APPLICATION NO. 2794 OF 2019

Somnath Baburao Chikne

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Anjali Awasthi, Advocate for the Applicant.

Mr. A. R. Patil, APP for State-Respondent.

**CORAM : REVATI MOHITE DERE, J.
DATE : FRIDAY, 15th JANUARY 2021**

P.C. :

1. This is the third bail application. On 23rd November 2020, this Court called for a report from the learned additional sessions judge as to why the trial could not conclude despite the directions passed by this Court in its order dated 11th December 2018 in Criminal Bail Application No. 54/2018. The said order was passed as there was no progress in the case despite directing the trial court to conclude the case as expeditiously as possible, and in any event by September 2019. Pursuant thereto the learned Sessions Judge submitted his report dated 27th November 2020 setting out the reasons for not proceeding with the case. A perusal of the said report shows

that the main reason for not proceeding with the case is that on a number of dates, the learned APP did not appear in the said case; that several cases including the present case, were transferred from Alibaug to Panvel; that there are several High Court expedited matters; that no positive steps have been taken by the learned DGP to allot the cases to a specific prosecutor; that the advocates are appearing before the court intermittently; and that the said case was assigned recently to the concerned judge. Learned counsel for the applicant also informs and makes a grievance that the accused are not produced before the trial court on the dates given by the trial court.

2. In view of the grievances made by the learned counsel for the applicant and having regard to the report sent by the learned Sessions Judge, the learned APP was directed to file an affidavit of the concerned officer as well as of the Superintendent of Jail, where the applicant is lodged, that the applicant will be produced on the dates given by the trial court, either physically or through video conferencing, as directed by the trial court. Accordingly, the learned APP has filed an affidavit of Mr. Kaustubh, Superintendent, Talaja Jail, where the applicant is lodged alongwith other accused. In the said undertaking dated 31st December 2020, the Superintendent, Talaja Jail has stated that he will make all necessary arrangements to produce the applicant/accused in the Court on the given

dates, either physically or through video conferencing, as directed by the trial court. Similarly, Mr. Uttam Jagadale, Police Inspector (Crime), Kamothe Police Station has also filed his affidavit dated 7th January 2021 stating therein, that he shall intimate/give necessary instructions to the jail authorities before every date of hearing, to produce the applicant/accused on the dates given by the trial court, either physically or through video conferencing. The said undertakings are accepted.

3. As noted earlier, this is the third bail application preferred by the applicant. The first bail application preferred by the applicant was rejected on merits vide order dated 25th April 2016 and the second bail application preferred by the applicant was also rejected on merits on 11th December 2018. However, whilst rejecting the said bail applications, having regard to the fact, that the applicant was in custody for about 4 ½ years, the learned trial judge was directed to expedite the trial of the applicant and conclude the case as expeditiously as possible and in any event, by September 2019. It appears that till date, only charge has been framed, however, not a single witness has been examined. Due to the pandemic/lockdown, the trial could not be proceeded with. However, now with the SOPs in place, there is no impediment for the trial to proceed. The concerned authorities have also filed their respective undertakings to produce the applicant/accused before

the trial court.

4. This being the third bail application of the applicant, learned counsel for the applicant, after arguing for some time, as the Court was not inclined to enlarge the applicant on bail, seeks leave to withdraw the application. Accordingly, the application is dismissed as withdrawn.

5. The learned judge to conclude the case as expeditiously as possible, and in any event, within 12 months from the date of receipt of this order.

6. All concerned to act on the digitally signed by the Personal Assistant/Private Secretary of this order.

REVATI MOHITE DERE, J.