

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 259/2021.

Satish @ Jambhya Suresh Jamdade.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S. Agrawal, Advocate for the Applicant.
Shri H. Dubey, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : APRIL 26, 2021.

Heard learned Counsel for the parties at
some length through video conference.

2. This bail application is filed on the background of earlier order of this Court dated 20.08.2020 passed in Criminal Application (BA) No.360/2020, wherein this Court had shown its non-inclination to grant bail, but, granted liberty to apply after six months if trial is not commenced.

3. In other words, the claim of the applicant for grant of bail was not considered by this Court on

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merits. The only aspect which remains is about entitlement of applicant to grant of bail on account of delay in holding trial. Certainly, the applicant can agitate said ground since it affects his fundamental right guaranteed under Article 21 of the Constitution of India.

4. This Court vide order dated 20.08.2020, has granted liberty to the applicant to approach after 6 months if no effective hearing commences. It is pointed out that till today the prosecution has not examined any witness. However, admittedly charge has been framed.

5. Due to current pandemic situation the work of trial Court is held up, however, no one can be blamed for such delay. In such circumstances, it is expressed that at this juncture it is not desirable to release the applicant on bail.

The learned Counsel at this stage, seeks permission to withdraw the Criminal Application with liberty to apply afresh after three months.

6. In view of above, Criminal Application is

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disposed of as withdrawn with liberty to the applicant to apply afresh after three months if not a single witness is examined before the trial Court.

JUDGE

Rgd.