

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

Criminal Application (BA) 308/2021

Sopan Dalbhajan V 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

Mr. Anzar B. Mirza, Advocate for applicant.
Ms. T.H. Udeshi, APP for State.

CORAM : ROHIT B. DEO, J.
DATE : August, 12, 2021.

After hearing the learned Counsel for the applicant Mr. Mirza and the learned Additional Public Prosecutor Ms. Udeshi at length, and after scrutinizing the material in the chargesheet with their assistance, I expressed my disinclination to grant bail.

2. At this stage, the learned counsel for the applicant Mr Mirza, on instructions received, seeks permission to withdraw the application.

3. I am permitting withdrawal, as prayed. However, it is made abundantly clear, that I was inclined to dismiss the application on merits.

4. The learned Counsel Mr. Mirza submits that the trial be expedited.

5. Ms. Udeshi, the learned Additional Public Prosecutor, points out that the mobile phones used by the applicant and witness Ganesh are sent for the forensic analysis in an effort to retrieve the recorded conversation, if possible. According to Ms. Udeshi, the learned Additional Public Prosecutor, since the case is based on circumstantial evidence, the conversation if retrieved, may be of some value. Ms. Udeshi, the learned Additional Public Prosecutor, then points out that if the conversation is retrieved the voice samples will have to be forwarded for spectrography test and thereafter, the trial Court may not be directed to complete the trial within any particular time frame.

6. In view of the submission of Ms. Udeshi, the learned Additional Public Prosecutor, I am not stipulating any particular time frame for completion of trial.

7. While ordinarily it is expected that the trial may be expeditiously conducted if bail is denied, the aspects which are pointed out by Ms. Udeshi, the learned Additional Public Prosecutor, will have to be left for the trial Court to consider.

8. The application is disposed of as withdrawn in the aforestated terms.

JUDGE

Deshmukh