

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

CRIMINAL APPLICATION (BA) No.475 OF 2021

(Jaiprakash s/o Narayan Gawande Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Anil Mardikar, Senior Advocate assisted by Shri N.R.Tekade, Advocate
for the applicant.

Mr.M.J. Khan, APP for the non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 06-10-2021

1. Heard.
2. This is second bail application for grant of regular bail in terms of Section 439 of the Code of Criminal Procedure. In earlier round of litigation, this Court in Bail Application No.1012/2020 has shown its non-inclination to grant bail, which resulted into withdrawal of earlier bail application. While disposing of earlier bail application, this Court has granted liberty to the applicant (accused) to renew his prayer for grant of bail, if the trial is not commenced within three months or would not complete within a period of six months. The period of six months stood over on 24.4.2021, however, there is no progress. Hence, on the said ground, the applicant has again approached this Court.
3. With the assistance of both sides, entire Roznama is perused, particularly, Roznama from 24.8.2020

onward has been read over. It reveals that most of the time was consumed on some miscellaneous applications filed by the applicant including discharge application. After lapse of six months from 24.8.2020, the applicant had gone on seeking adjournments for approaching this Court, as the Trial Court has rejected his bail application.

4. The entire tenor of Roznama shows that neither the Trial Court was diligent to proceed with the matter nor the accused was kin to face the trial. It reveals that endeavour of the accused was to secure bail in preference to facing of trial. Be that as it may, I am not inclined to consider the prayer of bail at this stage. However, certain directions can be issued to the Trial Court, since the matter pertains to pre-trial detention of the applicant.

5. In that view of the matter, the application stands disposed of by giving following directions:

(i) The Trial Court is directed to expedite the proceedings and, in any case, complete the trial within a period of three months from today.

(ii) The State is directed to make necessary arrangement to produce the accused in Trial Court on each and every date.

(iii) The State is directed to secure presence of witnesses in Trial Court by timely serving witnesses

summons.

(iv) If the trial would not complete within three months from today, the applicant can revive his prayer to this court, provided that he would co-operate with the Trial Court and would not file un-meritorious application before the Trial Court.

Criminal Application stands disposed of.

JUDGE

ambulkar