

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

CRIMINAL APPLICATION [BA] NO. 1311/2020.

Ganesh Namdev Rathod.

-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 M.N. Ali, Advocate for the Applicant.
Shri A.M. Deshpande, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : JUNE 18, 2021.

Hearing was conducted through Video
Conferencing.

2. The applicant is seeking regular bail in connection with Crime No.95/2015 registered with Mahagaon Police Station, District Yavatmal for the offence punishable under Sections 302, 307, 147, 148, 149, 324, 323 and 506 of the Indian Penal Code. The earlier bail application bearing Criminal Application No.1171/2017 was rejected by this Court vide order dated 27.04.2018 with liberty to approach the trial Court as and when deem fit.

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3. In this background the applicant has applied to the trial Court for bail, however, the same came to be rejected vide order dated 02.11.2020.

4. Since on earlier occasion this Court has shown its non-inclination to grant bail on merits, the only aspect which needs consideration is whether the delay in trial would revive the applicants' right to claim bail.

5. The learned Counsel for the applicant has relied on the orders passed by the Hon'ble Supreme Court in Special Leave to Appeal (Cri) No. 6505/2020 dated 01.03.2021 (Vinay Kumar Mishra .vrs. The State of Uttar Pradesh), to urge that delay in trial would be a valid ground for releasing the accused on bail. In said case the Hon'ble Supreme Court took note that the then accused was languishing in jail since 25.07.2012 and there was no likelihood of the trial being completed, hence, bail was granted.

6. In this case the learned A.P.P. has on last date made a statement that the trial has commenced and till date the prosecution has examined about 8-9 witnesses, which is also reflected in the order of this Court dated 14.06.2021. Today upon fresh

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instructions, learned A.P.P. has submitted that now the prosecution is about to examine further 5-6 witnesses and the case is fixed for hearing on 22.06.2021.

7. It is apparent that now the trial has commenced and there is substantial progress. Fortunately after going through a bad patch of pandemic situation now the Courts are returning to its normalcy and functioning daily. Having regard to all these facts, there is no propriety to reconsider the applicant's prayer for grant of bail, provided that the trial shall be expedited. The trial Court is directed to expedite the trial. In view of above, Criminal Application stands rejected. Liberty is granted to the applicant to approach this Court afresh if trial is not completed within a period of three months from today.

8. Registry to communicate this order to the trial Court.

JUDGE

Rgd.