

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

Criminal Application (BA) No. 1174 of 2021

(Mr. Chandrkant S/o Eknath Wani ..vs.. State of Maharashtra through P.S. Butibori, Nagpur)

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

Court's or Judge's orders

Mr. N. R. Gandhi, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.
DATED : 26-11-2021

This Court vide order dated 28-6-2021 in Criminal Application (BA) 1134/2020 recorded its disinclination to grant bail. It is further recorded that the learned counsel for the applicant submitted that he did not wish to invite reasons for rejection and, therefore, prayed that the applicant be permitted to withdraw the application for bail. It is further recorded that the applicant is at liberty to approach this Court, if the charges are not framed within a period of four months from today.

2. This Court has come across several matters in which such liberties are obtained and then the order is not at all communicated to the trial Court.

3. In the present case, immediately on expiry of four months i.e. on 29-10-2021, the applicant has rushed to this Court making grievance that the charge is not framed within four months and, therefore, he is availing the liberty.

4. It is an admitted position on record that the applicant did not bring the order dated 28-6-2021 in Criminal Application (BA) 1134/2020 to the notice of the learned trial Judge. It is submitted in the praecipe dated 25-11-2021, which is signed by the counsel for the applicant, that copy of the writ of the order was received by the learned trial Judge on 3-8-2021.

5. In this view of the matter, I am not inclined to hear this application on merits. The period of four months given to the learned trial Judge to frame charge shall have to be considered from 3-8-2021.

6. If the charge is not framed on or before 30-12-2021, the applicant shall be at liberty to approach the learned Sessions Judge for grant of bail subject to the following conditions.

(a) The applicant shall bring this order to the notice of the learned trial Judge within next 72 Hours.

(b) The applicant shall not be responsible in any manner for the inability of the learned trial Judge to frame the charge on or before 30-12-2021.

7. The application is dismissed subject to what is observed supra.

JUDGE

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