

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1561 OF 2021

Rahul Bapuso Mangave

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Sanjeev Kadam i/b Rushikesh G. Patil, for the Applicant.

Ms. M.M. Deshmukh, APP, for the Respondent/State.

Mr. R.D. Shaikh, Police Head Constable, Shirole Police Station, Kolhapur, present.

CORAM : N.R. BORKAR, J.

DATE : 30.11.2022.

P.C. :

This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 59 of 2015 registered at Shirol Police Station, Kolhapur for the offences punishable under Section 302, 504, 506 read with 34 of the Indian Penal Code.

3. On 21/11/2022, this Court passed the following order:

“1. This Court by order dated 16 November 2016 in Criminal Bail Application No. 1663 of 2016 (Bapu A. Mangve vs. The State of Maharashtra) directed the Trial Court to make an endeavour to conclude the trial, as

expeditiously as possible. It appears that thereafter this Court by order dated 8 September 2017 in Criminal Bail Application No. 1094 of 2017 (Ravindra @ Rajendra Mangave vs. The State of Maharashtra) directed the Trial Court to make an endeavour to conclude the trial within a period of one year from the date of receipt of the said order. It appears that again on 10 March 2021 in Criminal Bail Application No. 287 of 2020 (Bapu A. Mangave vs. The State of Maharashtra and anr.) directed the Trial Court to conclude the trial, as expeditiously as possible and in any case within a period of 12 months from the date of receipt of the said order.

2. The learned counsel for the applicant submits that still the trial is at stage of framing charge and there is no progress. The learned counsel for the applicant submits that the applicant is in jail for more than 7 years and seeks bail on the ground of prolong incarceration.

3. The Registrar (Judicial) shall call a report from the concerned Trial Court.

4. List the matter for further consideration on 30 November 2022.”

4. Pursuant to the aforesaid order, the learned District Judge-1 and Additional Sessions Judge, Jaysingpur submitted his report. According to him he took charge of the concerned Court on 06/06/2022 and the directions given by this Court, were not brought to his notice. It appears from his report that the trial is yet to commence.

5. This Court by order dated 10/03/2022 in Criminal Bail Application No. 287 of 2020 was constrained to release the applicant

therein on bail though his application for bail was twice rejected by observing that no doubt, *prima fice* there is a material qua the applicant but the fact remains that the applicant is in custody for more than five years and that till date trial has not commenced, despite expediting the same by order dated 16/11/2016.

6. The present applicant is in jail for more than 7 years and seeks bail on the very same ground that despite expediting the trial by order dated 16/11/2016 and directing the trial Court by another order dated 08/09/2017 to conclude the trial within one year, the trial has not yet commenced. Considering the facts and circumstances, the applicant will have to be released on bail. However, considering the fact that the directions of this Court were not complied with, I am constrained to direct the learned Principal District and Sessions Judge, Kolhapur to enquire into the matter and to submit the report to Registrar General for necessary action. In the result, the following order is passed:

ORDER

A] The applicant shall be released on bail in Crime No. 59 of 2015 registered at Shirol Police Station, Kolhapur for the offences punishable under Section 302, 504, 506 read with 34 of the Indian Penal Code, on furnishing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

B] The applicant after his release shall not enter into the jurisdiction of Shirol, Hatkanangle and Karveer Police Station except to attend the dates before the trial Court.

C] The applicant shall attend the Police Station once in a month i.e. on the first Saturday between 11.00 a.m. to 2.00 p.m. within whose jurisdiction he is going to reside after his release.

D] The applicant shall furnish his residential address and mobile number to the Shirol Police Station.

E] The application is disposed of.

[N.R.BORKAR, J.]