

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3686 OF 2021

Yogesh Santosh Jaiswal ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Raju D. Suryawanshi, Advocate for the Applicant/Appellant

Mr. S. V. Gavand, APP for the Respondent – State.

Mr. Suresh Madne (P.I.) Manpada Police Station, Thane, Present.

CORAM : PRAKASH D. NAIK, J.
DATE : 21st APRIL, 2022.

PER COURT:

1. This is second application for bail. The previous application was rejected by this Court vide order dated 20th February, 2019.

2. The applicant is facing prosecution for offence under Section 302 r/w Section 34 of Indian Penal Code (for short “IPC”). While rejecting the previous application, the trial was expedited.

3. Learned Advocate for the applicant submitted that inspite of trial being expedited, there is no progress in the trial. The charge has not been framed. The applicant is young boy aged about 19 years. He is in custody for a period of about 5 years and 4 months. Trial may not be concluded within short span of time.

4. Learned APP on instructions submitted that the prosecution proposes to examine about 15 to 16 witnesses. The prosecution would examine witnesses expeditiously.

5. Considering the submissions of prosecution it would be appropriate to give opportunity to prosecution to proceed with trial. Hence, I pass the following order.

ORDER

- i. Bail Application No. 3686 of 2021 is rejected;
- ii. The trial Court is requested to conclude the trial in Sessions Case No.113 of 2017 pending before learned Additional Sessions Judge, Kalyan expeditiously and as far as possibly completed within a period of six months.
- iii. The prosecution and the defence shall cooperate with the trial Court in concluding the trial expeditiously.
- iv. In the event the trial is not over within a period of six months, the applicant is granted liberty to prefer fresh application for bail before this Court.
- v. Bail Application is disposed off accordingly.
- vi. This order may be communicated to the trial Court immediately.

(PRAKASH D. NAIK, J.)