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

CRIMINAL BAIL APPLICATION NO.4240 OF 2021

Akshay Chintamani Jadhav ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Vinod Kashid a/w Mr. Sumit Bhoite for the Applicant

Ms. Anamika Malhotra, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 24th FEBRUARY 2022

P.C. :

1 This is the third bail application preferred by the applicant.

2 The first bail application was dismissed as withdrawn after arguing the matter for some time, when the Court was not inclined to enlarge the applicant on bail. The said order is on page 184 of the application. The second bail application, after arguing for sometime, was not pressed by the applicant and was dismissed as withdrawn. However, having regard to the fact that the applicant was in custody for about 4 years and despite charge having been framed on 16th October 2019, there was no progress in the case, the trial of the applicant was expedited and the learned

Sessions Judge was directed to conclude the trial as expeditiously as possible and in any event, within 9 months from the date of receipt of the order. At that time, learned A.P.P, on instructions, had stated that the prosecution intended to examine 10 to 13 witnesses. The learned A.P.P had also on instructions, assured that the applicant will be produced before the trial Court on the dates, either virtually or physically, as may be directed by the trial Court and the said statement was accepted.

3 Learned A.P.P was also directed to inform the Superintendent, Thane Central Prison and the appropriate authority about the said order, so also to ensure that the applicant is produced either through video conferencing or physically before the trial Court on the dates given by the trial Court and as may be directed by the trial Court. The same is recorded in the order dated 22nd January 2021 which is at page 185 of the application.

4 The aforesaid application i.e. the third bail application was filed as there was no progress in the trial despite the order dated 22nd January 2021. Hence, on 12th January 2022, a report was sought from the Ad-hoc District Judge-2 and Additional Sessions Judge, Thane, who was seized of the applicant's case i.e. Sessions Case No. 219 of 2017 seeking an explanation why there has been no progress despite the trial being

expedited.

5 Accordingly, the Ad-hoc District Judge-2 and Additional Sessions Judge, Thane has submitted his report dated 15th January 2022. In the said report, it is mentioned that due to Covid-19, there was no progress in the matter and now that the Court has started functioning full-fledged, the matter will proceed. Learned Judge has sought six months' time for disposal of the case. The said report is dated 15th January 2022.

6 Considering the report of the learned Judge, without going into the merits of the application, the learned Judge is requested to conclude the case as expeditiously as possible and in any event, within five months from the date of receipt of this order.

7 As noted earlier, the learned A.P.P inform the Superintendent, Thane Central Prison and the appropriate authority of today's order, so that, the applicant is produced either through video conferencing or physically before the trial Court on the dates given by the trial Court.

8 Learned Judge also to take steps to ensure that the accused who have been released on bail remain present on the dates given by the trial

Court and if the said co-accused fail to remain present, take appropriate steps in accordance with law for their production, including cancellation of their bail.

9 The prosecutor and the defence counsel to co-operate in the expeditious disposal of the trial.

10 Registry to forthwith forward a copy of this order to the learned Ad-hoc District Judge-2 and Additional Sessions Judge, Thane, who is seized of Sessions Case No. 219 of 2017, by fax/e-mail/through a Special Messenger, so as to enable the learned Judge to implement the above order.

11 The application is disposed of on the aforesaid terms.

REVATI MOHITE DERE, J.