

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4315 OF 2021**

Ravindra Ambu Rathod .. Applicant

Versus

The State of Maharashtra .. Respondent

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Ms.Tamanna Shaikh for the Applicant.

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

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CORAM: BHARATI DANGRE, J.

DATED : 17th JUNE, 2022

P.C:-

1. This is the second bail application filed by the applicant, seeking his release on bail, on being charge-sheeted under Sections 395, 364(A), 120-B, 412 read with Section 34 of the I.P.C. in C.R.No.2 of 2017 registered with Alibaug Police Station. The first bail application of the applicant was permitted to be withdrawn vide order dated 07/04/2021, on expressing my disinclination to entertain the same, on examining the material compiled in the charge-sheet. While

allowing the withdrawal of the application, liberty was reserved in the applicant to renew his request for bail, if the trial does not reach at an appropriate stage within a period of six months, since a grievance was made that the applicant is incarcerated since four and half years and the trial is not progressing.

2. On instructions from the Investigating Officer, the learned A.P.P. states that eight witnesses are examined as on date and though 93 witnesses are cited by the prosecution, it is intending to examine 18 to 20 witnesses only. She states that trial, if conducted on day-to-day basis, shall be concluded before expiry of six months.

3. Given an opportunity to wait for the same, the learned counsel for the applicant insisted upon pressing into service the merits of the matter.

4. On perusal of merits, once again, I cannot persuade myself to arrive at a conclusion different than the one which I arrived at on 07/04/2021, being showing my disinclination to entertain the application. This is specifically so because this is a case where the dacoity was alleged to have been committed by the accused impersonating themselves as members of Crime Branch and the present applicant has a clear role

attributed to him and came to be identified by Vikas Singh, Vimal Patel as well as Omkar Patil. The applicant is arraigned as accused No.1 and it is informed that accused Munir, who was released on bail, is also taken into custody. I am, therefore, not inclined to release the applicant on bail despite his long incarceration.

However, since the liberty was granted to renew the application if the trial does not proceed further and since it is a statement of the learned A.P.P. that the prosecution will be restricting itself to 18 to 20 witnesses, by issuing a direction to the learned Sessions Judge conducting the trial, to conclude the proceedings on or or before 30/11/2022, by conducting it on day-to-day basis, the application is rejected.

(SMT. BHARATI DANGRE, J.)