

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

916 BAIL APPLICATION NO.46 OF 2023

NILKANTHESHWAR SHIVAJI RATHOD
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ostwal Abhaykumar Dilip.
APP for Respondent-State : Mr. S. P. Sonpawale.
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CORAM : S. G. MEHARE, J.
DATE : 02.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail on the ground that there is delay in completing the trial. To verify the facts, the progress report was called from the learned Additional Sessions Judge-4, Latur. The said progress report reveals that the learned Judge has made every endeavour to secure the presence of witnesses. The Police Inspector of the concerned Police Station was also directed to remain present. He made a statement before the Court that one of the witness is a old lady and she is the close relative of accused and intentionally she has been kept away so as to avoid service upon her. He assured to

produce her by next date. The Court has issued NBW against witnesses. One witness was produced under warrant and then he was examined. The situation was not materially changed. The learned APP would submit that in all 12 witnesses have been examined and few witnesses remained to be examined.

3. Considering the facts in the case discussed above, it would be better to direct the Investigating Officer to remain present on each date and secure the presence of the witnesses to be examined. The Court should take a strict action, if there is a strict proof that the accused were restraining the witnesses from appearing in the Court.

4. All the learned counsels for accused are also supposed to co-operate with the trial. They shall avoid the adjournments.

5. The learned counsels for the accused, who are in jail shall also support the prosecution by examining the witnesses in their absence by producing them on V. C. wherever possible.

6. Wherever, the presence of the under trial accused is essential, they may be directed to produce on such dates.

7. The Superintendent of Police, Latur is requested to provide the guards to produce the accused from Jail on each effective date, so their non-production may be avoided.

8. The learned Additional Sessions Judge-4, Latur is requested to expedite the trial and complete the trial as early as possible.

9. Since the mother of the present applicant is not well, the applicant be released on **temporary bail** for four (4) days from the date of his release on executing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) before the learned Sessions Judge-4, Latur. After four (4) days are over, the applicant shall surrender to the Jail Authority forthwith before afternoon.

10. With the above directions, the application stands disposed of.

(S. G. MEHARE, J.)

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vmk/-