

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.122 OF 2023

AREF @ GULAM MOHAMMED GULAM AHMED
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Joydeep Chatterji
APP for Respondent : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.
DATE : 08-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The progress report of the trial from the learned Additional Sessions Judge, Basmathnagar reveals that the prosecution had closed the case on 03.09.2022. However, the learned counsel for the accused applied to recall the witness. The application was allowed. The summons was issued, but the witness did not appear. Therefore, the Court issued non-bailable warrant against the witness. The report is very clear that the trial has not been protracted on the part of the prosecution. The Court is making a sincere endeavour to conclude the trial, but it is the accused who has recalled the witness. Therefore, the trial has been protracted. For his conduct, the prosecution cannot be blamed. After going through the record, the Court is not satisfied that there is no deliberate delay in protracting the trial, the accused cannot take advantage of his own wrong. With these observations, the application stands dismissed.

(S. G. MEHARE, J.)