

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

**BAIL APPLICATION NO.713 OF 2023
WITH APPLN/1955/2023 IN BA/713/2023**

**KARAN CHANDRAPALSING GAHERWAL
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. S. S. Thombre
APP for Respondent: Mr. S. B. Narwade
Advocate for the complainant : Mr. S. S. Panale

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CORAM : S. G. MEHARE, J.

DATE : 07.06.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.PP for the respondent State.

2. This is a successive bail application filed by the applicant after rejecting his last bail application by this Court on 30.08.2019. The bail application was rejected with a direction to the learned trial Court to dispose of the case, as expeditiously as possible.

3. The vehement argument of the leaned counsel for the applicant is that till date 22 witnesses have been examined, the trial is going at snail speed. The applicant is languishing in jail for five years and till

date the trial ought to have been concluded. The applicant is not responsible for the trial at slow speed. Hence, he may be granted bail.

4. The learned A.P.P and the learned counsel for the father of the victim have strongly opposed the application. It seems from the argument that there is material progress in the trial. However, there are five accused who have engaged the different lawyers. The applicant has also filed a bail application before the trial Court and it was decided on priority basis. It cannot be said that there is absolutely no progress in the trial. They opposed the application and prayed to dismiss the application.

5. It appears from the record and argument of the respective counsels that it is not a case where there is absolutely no progress in the trial. The trial Court is working hard to conclude the trial as expeditiously as possible. It also appears that each accused has appointed a different lawyer and they are conducting the trial. Considering the right of the accused to be heard, the defence counsel cannot be stopped from the conduct of the trial. The over all progress of the trial is satisfactory. It cannot be said that the trial is going on at snail's speed. The applicant has no ground to claim bail if he feels that the matter is unnecessarily prolonging due to absence of the other

accused and their counsel. He may apply for separation of the trial before the Sessions Court. For the above reasons, the application stands dismissed.

6. Criminal Application No. 1955 of 2023 stands disposed of.

(S. G. MEHARE)
JUDGE

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