

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1444 OF 2023

Santosh Madhavrao More, Age 35 years,
Occu. Business, R/o. Narayan Nagar,
Satara Parisar, Aurangabad, Dist. Aurangabad .. Applicant

Versus

1. The State of Maharashtra through
Investigation Officer, Gangapur Police Station
District Aurangabad
2. The Superintendent of Police Aurangabad
District Aurangabad .. Respondents

Mr. Dhananjay R. Gavhad, Advocate for Applicant;
Mr. S. P. Tiwari, APP for Respondents/State

CORAM : S. G. MEHARE, J.
DATE : 23-10-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondents/State.
2. The applicant is seeking bail in C.R.No.I-27 of 2016 registered with Gangapur Police Station, District Aurangabad, for the offences punishable under Sections 364, 302, 201, 120B read with Section 34 of the Indian Penal Code and Sections 3/25 of the Arms Act.
3. The applicant is seeking bail on the ground that the trial has not been commenced. The progress report of the trial has been called from the trial Court. The trial Court seems to have made every endeavour to complete the trial. One of the witnesses called from the State of Bihar, but she was not cross-examined. Therefore, the trial Court made the facility available to the defence to cross-examine the witnesses on the video conferencing. But,

the accused were insisting for physical presence of the witness. The Police Officer informed the Court that the witnesses expressed inability to attend the Court because the accused No.2 threatened them. The accused were threatening them. However, the prosecution convinced them to appear on video conferencing. The lawyers engaged by the accused were busy and could not reach Vijapur Court for expediting the matter. The Court imposed a heavy costs on the defence. The over all report reveals that the trial has been protracted due to conduct of the accused and not the prosecution. It is a matter of co-operation by all to the Court for expeditious disposal of the trial, but the accused posed here is altogether different before the trial Court. For the conduct of the accused and non-availability of the learned counsels, the prosecution cannot be blamed that the trial has been deliberately protracted. The report of the trial Court is very much clear that every endeavour for presence of the witnesses has been made. The learned A.P.P. is also posted there for three days a week. In such situation, the trial Court is weighing back. Therefore, it cannot be said that the trial has been protracted belatedly.

4. For the above reasons, there is no substance in the application. If the accused wish to get the trial disposed of at the earliest, they shall have to co-operate with the trial Court. Thus, the application stands dismissed.

(S. G. MEHARE, J.)