

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

914 CRIMINAL APPEAL NO.868 OF 2022

**MAHESH @ PAPPU BHAUSAHEB LAGAD
VERSUS
THE STATE OF MAHARASHTRA**

Mr.A.S. Gandhi, Advocate for the appellant.

Mr.Y.G. Gujarati, APP for the respondent No.1/State.

Mr.PP. Shahane, Advocate (appointed) for respondent No.2.

**CORAM : KISHORE C. SANT, J.
DATED : 20.01.2023**

PC :-

01. Heard learned Advocates for the appellant and the respondents. The appellant/accused was not attending trial and therefore non-bailable warrant came to be issued, pursuant to which he came to be arrested on 01.11.2022. His bail application, thereafter, came to be rejected by order dated 08.11.2022 by the Special Judge (Atrocity), Beed. The learned Advocate for the appellant submits that since 01.11.2022 the appellant is behind the bar. He is sugar-cane cutter having poor financial condition and seeks release on bail. The learned Advocate submits that the appellant would abide by any condition imposed by this Court and will not jump the bail. He will co-operate in the trial. The learned Advocate further submits that the trial is unnecessarily taking long time. No witnesses are being examined.

Even the informant is presently staying at Delhi and is not coming to give deposition before the Court and therefore the Trial is not likely to over in near future. He, therefore, prays for bail.

02. Heard learned APP for the respondent/State and learned Advocate Mr. Shahane for respondent No.2. They vehemently opposed the appeal. The learned APP has produced on record police papers. It is seen that there are statements of various persons including independent persons, showing involvement of the accused-appellant. It is submitted that the trial is going on since 2014. Because of non-cooperation of the appellant, the trial is getting delayed. It is submitted that, however, now the stage in the trial is as evidence-part-heard and the trial is thus likely to be completed within two months.

03. Perused the order and the police papers and also Roznama downloaded from the website. It is clearly seen that on many occasions, bailable and non-bailable warrants were required to be issued to secure presence of the appellant in the case. Certainly, it can be gathered that the appellant is not co-operating in the trial. This Court feels that no case is made

out for grant of bail. At the same it is necessary looking at the fact that the trial is pending since 2014 i.e. more than eight years, it needs to be expedited. Therefore, following order is passed :-

ORDER

- (i) Criminal Appeal is dismissed.
- (ii) The learned Trial Judge is requested to complete the trial within three months from receipt of this order.
- (iii) In-case the trial is not completed within three months, the appellant is at liberty to again move before the Trial Court for bail.
- (iv) Learned Advocate Mr. P.P. Shahane is appointed through legal aid. He is entitled for the fees as per rules.

[KISHORE C. SANT, J.]