

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1733 OF 2023

Akshay Bhivaji Shendge,
Age 24 years, Occu. Student,
R/o. LIC Colony, Latur,
Taluka and District Latur .. Applicant

Versus

State of Maharashtra
Through Police Inspector
Shivajinagar Police Station,
Latur, Taluka and District Latur .. Respondent

Mr. A. A. Joshi, Advocate holding for Mr. Sharad V. Natu, Advocate
for Applicant;
Mt. S. P. Tiwari, A.P.P. for Respondent/State

WITH
APPLN/4109/2023 IN BA/1733/2023

Baburao s/o. Sidram Chavan
Age 65 years, Occu. Pensioner,
R/o. Prakash Nagar, Latur .. Applicant

Versus

1. The State of Maharashtra
2. Akshay s/o. Bhivaji Shendge,
Age 24 years, Occu. Nil,
R/o. L.I.C. Colony, Latur .. Respondents

Mr. Sachin S. Panale, Advocate for Applicant/complainant;
Mt. S. P. Tiwari, A.P.P. for Respondent/State
Mr. A. A. Joshi, Advocate holding for Mr. Sharad V. Natu, Advocate
for respondent No.2/Accused;

CORAM : S. G. MEHARE, J.

DATE : 09-11-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent No.1/State and the learned counsel for respondent No.2/first informant.

2. Applicant is seeking bail in C.R.No.160 of 2018, registered with Shivaji Nagar Police Station, Latur, for the offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code and Section 3/25 of the Arms Act.

3. This case throws the light on the social enmity. Both sides does not leave a signestone unturned. The accused engage the lawyers from the different places and regularly ask for their suitable accommodations. Witnesses are also reluctant to go to the Court as they were not sure about recording of their evidence on the given date. They are kept awaiting all the day. Various tactics are played from all sides and the matter remains unattended and unprogressed. Video conferencing facility is easily available, but the accused do not prefer to have their production on video conferencing. Most of the times, they insist for physical production. The physical production takes time and half day is wasted only for getting their physical production from the jail. That resulted in delay.

4. In this case, in the earlier order dated 07.06.2023, this Court expressed satisfaction about progress of the trial. It is true that

the applicant is languishing in jail for about five years, but his trial seems so sensitive in the town. It also emerged from the order sheet that many times lawyer requested for their accommodation. Hence, the trial remains un-progressed. The accused has also the right, as he is behind the bar for sufficient time. However, there is satisfactory progress in the trial. His bail on merit was refused. There is no change in the circumstances.

5. Hence, the bail application stands dismissed.

6. Criminal Application No.4109 of 2023 stands disposed of.

7. However, the learned trial Court is directed to conduct the trial as expeditiously as possible. If any accused asks for accommodation of his lawyer, the Court should stop accommodating the lawyer for every time. In this case, it is learnt that, there are many lawyers engaged by the different accused. If the lawyers engaged by the accused does not appear on the given date, the accused should cross-examine the witnesses.

(S. G. MEHARE)
JUDGE