

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.847 OF 2023

Amol Ashok Mali	]	..	Appellant
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Ms.Tanvi Tapkire for the Appellant.

Mr.Y.M. Nakhwa, APP for the State.

Ms.Keral Mehta, for Respondent No.2.

Mr.M.P. Khadake, Shahapur Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 25th September, 2023.

P.C.

1] This is the second application, seeking release on bail filed through the present Criminal Appeal, the first being rejected by a reasoned order on 18.08.2022.

Perusal of the order would reveal that the charge sheet clearly refer to the complicity of the Appellant and the Court specifically recorded that there exist a prima facie case against the Appellant and by applying the test under Sub-section (4) of Section 21 of the Maharashtra Control of Organized Crime Act, it was specifically recorded that it cannot be said that the Appellant is not guilty of the offences and considering the criminal antecedents, the request to release him on bail was rejected. However, the trial of the MCOC case

was expedited and direction was issued to the concerned Court to conclude the same expeditiously and in any event by 31.12.2023.

2] On the second occasion, the ground pressed into service is long incarceration.

I do not think that once, when on merits the Court has recorded a prima facie case against the Appellant, particularly when he is accused of Section 302 read with 120B of the IPC, offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under the MCOCA, I am entitled to review the reasoning recorded by the Division Bench.

When the trial was expedited, it is upto the Judge to follow the direction, but if the trial cannot be concluded, it cannot be a ground to secure the release of the Appellant.

In the wake of above, Appeal is dismissed.

[BHARATI DANGRE, J]