

GRM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 28 OF 2023

Sanjay Ramavtar Singh ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Rishi Bhuta a/w Swapnali Chavan, Gunjan Thakkar i/b Yadav
P. R., Adv. for the Applicant.

Mr. Arfan Sait, APP for the State/Respondent.

API Mr. Kishor S. Avhale, Kasturba Marg Police Station.

CORAM : R. G. AVACHAT, J.

DATED : MARCH 3, 2023

P.C. :

Heard.

2. The challenge herein is to the order refusing to grant bail to the applicant herein in view of Section 437(6) of the Code of Criminal Procedure, 1973.

3. In view of the provisions of aforesaid Section, if the trial could not be concluded within a period of 60 days from the date of framing of the Charge, the accused is entitled for bail, except for the otherwise reasons recorded by the Trial Court.

4. As per roznama, it appears that on the given date, the complainant was not present. Still the Trial Court has observed while refusing to grant bail that the witnesses were present. However, the advocate for the applicant was absent. These

observations are contrary to the record.

5. Learned APP has strong objection to grant bail to the applicant, since he has history of crimes.

6. The applicant is in jail for little over 14 months. The other co-accused are already on bail. The Trial Court in the facts and circumstances of case, ought to have granted applicant bail. Since the same has not been done, hence the applicant is granted bail. In the result, the following order is passed :-

ORDER

1. Criminal Application No. 28 of 2023 is hereby allowed in the following terms :-

a. The applicant-Sanjay Ramavtar Singh be released on his executing PR Bond of Rs. 1,00,000/- (Rupees One Lakh Only) and Surety Bond in the like amount. Bail before the Trial Court.

b. Cash bail is permitted. In no case, the cash bail amount to be returned to the applicant, until conclusion of the trial.

c. The applicant shall attend the concern Police Station once in a week on every Sunday between 12.00 noon & 1.00 p.m. until conclusion of the trial.

d. The applicant shall not tamper with the prosecution

evidence.

2. Learned Magistrate is expected to conclude the trial within a time of 12 months from the date of receipt of a copy of this order.
3. Criminal Application No. 28 of 2023 stands disposed of accordingly.

(R. G. AVACHAT, J.)