

Anand

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

BAIL APPLICATION NO. 690 OF 2023

Santosh Joginder Vishwakarma

.Applicant

Vs.

ANAND
SUDHAKAR
SUDAME

The State of Maharashtra

.Respondent

Mr. V. S. Tiwari a/w. Ms Priti Tiwari, Ms Priya Muthupandi &
Mr. Siddhesh Tiwari, Advocate, for the Applicant
Mrs. A. A. Takalkar, APP, for the Respondent - State

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 02.08.2023

P. C.

. The Applicant, who is facing the trial in Sessions Case No. 147 of 2016 pending on the file of the Sessions Court, Mumbai has filed this Application under Section 439 of the Code of Criminal Procedure to enlarge him on bail.

2. Heard Mr. Tiwari, learned counsel for the Applicant and Mrs. Takalkar, learned APP for the Respondent - State. I have perused the record and considered the submissions advanced by learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Mr. Mohammed Ashraf Mohammed Fakir

Shah. The facts narrated in the FIR reveals that on 27.10.2015 while the minor children of the first informant were returning home from tuition classes, three persons came in a car and kidnapped the minor son of the first informant. Immediately, thereafter, the first informant started getting calls for ransom of Rs. 5,00,000/-. The Applicant was apprehended and pursuant to the disclosure statement made by the Applicant, the victim was traced and rescued. Learned APP states that prima facie, expert report proves that all the calls for ransom were made by the Applicant. Considering the gravity of the offence, this Court had earlier rejected the Applications by Orders dated 10.11.2017 and 13.11.2019.

4. Learned counsel for the Applicant states that there is no much progress in the trial. Per contra, learned APP states that 16 witnesses have already been examined. The case was delayed for about two years because of the lockdown declared in the year 2019 due to the outbreak of Covid 19 pandemic. Learned APP further states that the prosecution will be examining ten witnesses and that the trial will be concluded within a period of six months.

5. Considering gravity of the offence and in view of the statement made by the learned APP, the Application stands dismissed with liberty to the Applicant to file a fresh Application in the event the trial is not concluded within a period of six months. The learned trial Judge is directed to take up the matter on day to day basis and conclude the trial within a period of six months.

(ANUJA PRABHUDESSAI, J.)