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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1118 OF 2023

Abhijit Anant Bhosale	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Ms.Manali Sohoni i/b Prachish Shukla for the Applicant.

Mr.A.R. Kapadnis, APP for the State.

PSI N.T. More, Borivali Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 04th July, 2023.

P.C.

1] The report from Additional Sessions Judge, City Civil & Sessions Court (Borivali Division), Mumbai dated 03.07.2023 indicate that when the supplementary charge sheet was filed against Accused No.5 on 13.05.2022, he filed discharge Application and kept on harping that this application should be decided first before the trial proceed.

As a result, the discharge application was taken up by the learned Judge and it was rejected on 21.4.2023. Thereafter, charge came to be framed on 04.05.2023.

Thereafter, summons are issued to the witnesses, but the accused has not appointed a counsel and when he was produced on V.C. before the Court, he informed that he will decide whether he want to conduct the trial himself or want to appoint a defence counsel.

2] In any case, when it is the duty of the prosecution to ensure speedy trial of the accused, the accused himself must be conscious of the timeline scheduled by the Court and he is also duty bound to adhere to the same. Though the trial is expedited, it appears that the accused himself is not interested in conclusion of trial as he is seeking adjournments on one or the other ground and at first by insisting that the discharge application shall be heard and now in not appointing a counsel.

3] The Additional Sessions Judge conducting the trial, in such circumstances, shall be well advised to appoint a counsel from legal aid for the accused and shall not wait for his decision as to either he want to appoint a counsel or appear in person. Even if he want to appear in person, the Court shall make legal aid counsel available for him and proceed with the trial.

4] In terms of the earlier directions, the Principal Judge, City Civil & Sessions Court has also submitted his report dated 03.07.2023 and he has taken stock of the situation and has reported that the SPP has assured to co-operate in concluding the trial in expeditious manner and the Judicial Officer in seisin of the trial has also assured that the trial shall be completed within a period of two months.

5] Accepting the aforesaid statement, since the trial of the Applicant is undertaken to be concluded within a period of two months from today, the Bail Application stands disposed off with liberty being conferred upon the Applicant to once more move an Application seeking his release on bail, in case, there is no adherence to the time schedule.

In the wake of above, Bail Application is disposed off.

[BHARATI DANGRE, J]