

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

BAIL APPLICATION NO. 2872 OF 2023

Laxman Rajan Pudukone Rajan @ Nikhil ..Applicant.

v/s.

State of Maharashtra ..Respondents

Mr. Mithilesh Mishra i/b. Agastya Desai for the Applicant.

Mr. S.V. Gavand, APP for the Respondent-State.

Mr. Amol Kadam, API Worli Anti Narcotic Cell present.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 25th OCTOBER, 2023.

P.C.

1. The previous bail application filed by the applicant was withdrawn on 28th March, 2023, in view of the statement made by the learned APP that an endeavor would be made to conclude the trial within six months. As on date the said statement was made, the prosecution had examined two witnesses, and that the evidence of third witnesses was being recorded. Learned Counsel for the applicant states that there is absolutely no progress in the trial since March 2023.

2. The roznama placed on record by the learned Counsel for the applicant indicates that on 26.05.2023 the accused had filed an application to recall P.W.1. . The case was adjourned time and again for filing reply. It is stated that the reply has been filed on 26.10.2023 i.e.

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after filing of the present bail application. Learned APP is not able to give any explanation for the delay in filing the reply. Despite the statement that the trial would be concluded within six months, no steps were taken to conclude the evidence of PW3 or to secure presence of the other witnesses.

3. Learned APP, today once again makes a statement that the prosecution intends examining three witnesses, and that the trial would be concluded within two months.

4. In view of the said statement, application is disposed of with liberty to the applicant to file fresh application, in the event the trial is not concluded within two months.

(ANUJA PRABHUDESSAI, J.)