

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

CRIMINAL BAIL APPLICATION NO.3528 OF 2023

Aniket Pradeep More

.... Applicant

versus

State of Maharashtra

.... Respondents

.....

- Mr. Vinod Kashid, Advocate for Applicant.
- Mr. Arfan Sait, APP for the State/Respondent.
- PI Pravin Mane, API Rachana Gurule, HC-4908 Jagdale, attached to Wagale Estate Police Station.

CORAM : SARANG V. KOTWAL, J.
DATE : 06th NOVEMBER, 2023

P.C. :

1. The Applicant had approached this Court for his release on bail on two previous occasions. On the first occasion, he had filed Bail Application No.32 of 2021 which was allowed to be withdrawn unconditionally vide order dated 04/01/2022. He had preferred another Bail Application No.1831 of 2022. However, on that occasion, specific directions were given to the Trial Court to conclude the trial within nine months from

19/04/2023. It was also directed that the defence as well as the prosecution shall co-operate with the expeditious disposal of the Trial. That period of nine months is yet to get over and in between, the Applicant has again preferred this application for his release on bail. This time the ground is taken that co-accused Raj Parab was granted bail by co-ordinate bench of this Court (Coram : M. S. Karnik, J.) on 12/09/2023.

2. Since the period of nine months is yet to get over, as pointed out by learned APP, learned counsel for the Applicant does not press this application as well. He makes certain grievances as follows :

According to him, out of 10 accused, 3 accused are still in custody. They are not produced regularly before the Court. Some of the accused who are on bail, do not attend the trial regularly. That is hampering the progress of the trial. Even charges are not framed as of today. Therefore, the trial is not likely to get over within the stipulated period.

3. The submissions made by the learned counsel for the Applicant will have to be taken into account by the Trial Court. The Trial Court will have to be reminded of the order dated 19/04/2023 passed in Bail Application No.1831 of 2022. Even thereafter if the trial is not over within nine months from 19/04/2023, the Applicant will have liberty to file a fresh application for bail on that ground before this Court. However, at that time it is necessary to see whether there is any deliberate attempt on the part of the defence to prolong the trial. All these questions are left open. At this stage, the following order is passed :

ORDER

- (i) The application is allowed to be withdrawn.
- (ii) The learned Trial Judge shall be communicated the order dated 19/04/2023 passed in Bail Application No.1831 of 2022 by the Registry immediately.
- (iii) The learned Trial Judge shall give effect to the said order as far as practically possible.

- (iv) The accused including the Applicant who are in custody, shall be produced regularly physically.
- (v) As far as possible, the trial should be held on day to day basis.
- (vi) The investigating agency shall ensure that all the important witnesses are present before the Court on the dates fixed by the Court.
- (vii) In spite of this, if there is no substantive progress in the trial, the Applicant is at liberty to prefer the fresh application for bail before this Court, after the period of nine months from 19/04/2023 is over.
- (viii) If the accused, who are on bail, are consistently remaining absent, the learned Trial Judge shall consider separating trial of those accused, if the efforts to secure their presence fail.
- (ix) With such liberty, the application is disposed of.
- (x) The Registry shall communicate this order to the Trial Court immediately.

(SARANG V. KOTWAL, J.)