

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.329 OF 2023

Rahul s/o Ashok Bansode Vs. State of Maharashtra, through PSO, PS
 Chikhli, Tq. Chikhli, Dist. Buldana

WITH

CRIMINAL APPLICATION (BA) NO.331 OF 2023

Namdev s/o Pandharinath Bongane Vs. State of Maharashtra, through PSO,
 PS Chikhli, Tq. Chikhli, Dist. Buldana

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Shri A.S. Mardikar, Sr.Advocate a/b Shri Ved Deshpande,
 Advocate for applicants.
 Shri M.J. Khan, APP for non-applicant/State.
 Shri T.A. Mirza, Advocate assisting the prosecution.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : JUNE 19, 2023.

Present applications are filed under Section 439 of the
 Code of Criminal Procedure.

2. After hearing the learned counsel for the applicants, this Court has expressed that the Court is not inclined to grant bail. This Court initially also in Criminal Application (BA) No.539/2022, expressed disinclination to grant regular bail and therefore the applicants have withdrawn the said application. This Court granted liberty to move afresh in case there will be no progress in trial in near future. Now, the charge is already framed and the trial is already commenced. The learned counsel for the applicants argued the application and submitted that there is no material against the present applicants to connect them with the alleged offences. After

perusal of the investigation papers, the circumstantial evidence in the nature of electronic evidence and some statements, this Court feels that there is *prima facie* materiel against the applicants and therefore expressed that the Court is not inclined to grant bail.

3. On this expression, learned counsel for the applicants submitted that he be permitted to withdraw the application subject to expedite the trial. Admittedly, the applicants are in jail since 25.11.2021. In view of directions of the Hon'ble Supreme Court and this Court in several matters, the trials of the under-trial prisoners are to be concluded as early as possible.

4. Considering the present applicants are in jail approximately from last two years, trial is to be expedited. In view of that, trial is expedited. The trial Court shall make every endeavour to conclude the trial within one year. The prosecution as well as defence counsel shall cooperate with Court to conclude the trial within one year. Liberty is granted to the applicants to move an application for grant of bail, if the trial is not concluded within one year.

5. The applications are dismissed as withdrawn with liberty as prayed for.

JUDGE

Wagh