

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

CRIMINAL WRIT PETITION NO. 286 OF 2023

Mr. Eknath s/o Pandurang Ganjewar,
 Age 28 years, Occ. Service, R/o C/o –
 Prakash Maske, Near Mouli Mandir,
 Jaitala, Nagpur.

... PETITIONER

VERSUS

1. State of Maharashtra, through
 Police Station Officer, Police Station –
 M.I.D.C., Nagpur (Rural), Tah. And
 District Nagpur.
2. X Y Z (Victim in Crime No.
 892/2022), Registered by Police
 Station – M.I.D.C., Nagpur, Tah. And
 District Nagpur.

... RESPONDENTS

Shri A.M. Tirukh, Advocate for the petitioner.
 Shri Kadukar, A.P.P. for the respondent/State.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 19/04/2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

RULE. Rule made returnable forthwith.

2. Heard finally by consent of learned Counsel appearing for the parties.

3. The limited grievance is raised about not deciding the bail application in Special Case No.44 of 2023 despite advancement of final submissions on bail application.

4. It is the petitioner's case that on 04.03.2023, he has filed regular bail application (Exhibit 7) in Sessions Trial on which the State has filed reply on 08.03.2023 (Exhibit 8), so also the victim's father has also filed the reply (Exhibit 9) on 16.03.2023. It is the petitioner's contention that on 23.03.2023 arguments of both sides have been heard on bail application however, matter has not been decided yet.

5. We have examined Roznama which bears a reference that on 01.04.2023 arguments from the side of the petitioner (accused) have been heard. However, the Roznama is not clear whether the arguments from the State are heard. It is not clear as to for hearing on which exhibit the matter is adjourned. It reveals that stereotype Roznama has been carry forwarded as regards to the stage of the

proceedings. It is submitted that, on 13.04.2023, the petitioner has filed Pursis (Exhibit 10) in the trial Court stating that already arguments have been heard on 23.03.2023 and thus, the Rozanama be corrected. According to the petitioner, initially on 13.04.2023, the Court has adjourned the matter to 28.04.2023. However after filing of the Pursis (Exhibit 10), date has been preponed to 21.04.2023.

6. In the wake of above position, the petitioner only urge to direct the Trial Court to passed the order on bail application expeditiously. We find substance in the contention that the bail application has not been decided expeditiously. In the circumstance, we hereby direct the Trial Court to decide the bail application of the petitioner within four days from 21.04.2023, if the arguments of both sides are already complete. Inform the Trial Court accordingly.

7. The application stands disposed of. No order as to costs.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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