



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

901 BAIL APPLICATION NO. 779 OF 2023

DHIRAJ ANIL MANDKAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Milind B. Sandanshiv.

APP for Respondent/State : Mrs. Dipali S. Jape.

Advocate to assist PP : Mr. Aashish T. Jadhavar & Mr. Nitin S. Salunke.

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AND
CRIMINAL APPLICATION NO. 932 OF 2024
IN BA/779/2023

KAILAS SUBHASH KULTHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Aashish T. Jadhavar & Mr. Nitin S. Salunke.

APP for Respondent/State : Mrs. Dipali S. Jape.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 13th March, 2024.

P.C.:

1 Criminal Application No.932 of 2024 is filed seeking permission to assist the prosecution. For the reasons given in the application, it is allowed in terms of prayer clause (B).

2 In Bail Application No.779 of 2023, after hearing the learned counsel for the parties, when this Court expressed disinclination to grant relief, the learned counsel for applicant, on

instructions, seeks leave to withdraw this application.

3 Leave granted. The application is disposed of as withdrawn.

4 The learned counsel for applicant further prayed that the trial may be expedited.

5 The trial was expedited by this Court by an order dated 19th July, 2022 passed in Bail Application No. 757 of 2022. The learned counsel assisting to the prosecution submitted the *Daily sheet* and pointed out that some of the accused have prayed for changing the advocates and adjournments for hearing of the trial.

6 The speedy trial is right of the accused. Therefore, the prayer of the applicant for expeditious trial deserves to be allowed with the following directions:-

- I) The Trial Court is directed to conduct the trial as expeditiously as possible and in any case within six months from today. Needless to mention that it is a sessions trial and word “sessions” means once it is started it shall not be stopped till it is concluded.
- II) The Trial Court is further directed not to grant adjournments if it is prayed on behalf of either the prosecution or the

defence unless there is extreme urgency or reasonable ground. If the accused are not produced, the Trial Court may call the jail authority and escort party and warn them by passing an order accordingly by giving one opportunity to them to produce the accused, under trial prisoners continuously. If it is not followed then the Trial Court may proceed against these authorities for not following the order of the legal authority of public servant as per the (applicable) provisions of Chapter X of the Indian Penal Code. If any accused is released on bail in the said trial is not appearing, then the Trial Court may proceed to cancel their bail. If the advocates for accused or the public prosecutor are not cooperating the Court for conducting the trial as expeditiously as possible, the Trial Court may impose heavy costs on the concerned accused.

- III) The Trial Court is expected to conduct the trial on day to day basis or in any case at least twice or thrice in a week.
- IV) If the trial is not concluded within six months from today, the applicant is at liberty to file application for bail before this Court.

[SANJAY A. DESHMUKH, J.]