



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**901 BAIL APPLICATION NO. 1760 OF 2023
GURUMUKHSINGH BHAGATSINGH RAMGADIYA
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Ms. Bodke Patil Poonam V.
AGP for Respondent/s-State : Mr. A. S. Shinde.

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**CORAM : S. G. MEHARE, J.
DATE : 08.05.2024**

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. This is a successive bail application. The applicant's bail application was rejected earlier on merits as well as on parity. Now, the applicant is seeking bail that there is no material progress in the trial. Since there was no prayer, leave was granted to amend the ground. The ground was amended.
3. Learned counsel for the petitioner has produced on record the copies of the ordersheet/roznamas and contends that the prosecution is deliberately protracting the trial. The trial is going at snail's speed.
4. The purport of her argument is that the Public Prosecutor appearing in the matter is deliberately not producing the witnesses and not examining them. This may

not be a ground to grant the bail because if any Prosecutor is not discharging his duty promptly, the person aggrieved may complain against him before the Director of Prosecution or the State Government. However, this Court is of the view that the trial has been commenced and reached to the stage of examining the witnesses. The Roznamas also show that the witness was absent. In such circumstances, if the witnesses are deliberately avoiding the Court, the prosecution is supposed to move an application for producing them under warrant. Nobody can act as per his/her desire when he or she comes under the domain of law and procedure. The law has provided remedy for every wrong. However, *prima facie* this Court is not satisfied that this is a fit case to grant bail on the grounds raised in the application that there was no progress at all in the trial.

5. The petitioner is at liberty to complain before the appropriate authority, if he desires.

6. For the above reasons, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-