



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 BAIL APPLICATION NO. 1922 OF 2023

CHETAN PITAMBAR SONAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshmukh Himmatsinh D.

APP for Respondent-State : Mrs. M. L. Sangit.

Advocate for Respondent No.2 : Mr. Jadhav Kiran D.,
Mr. Vikam L. Bhanghe.

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CORAM : S. G. MEHARE, J.

DATE : 03.01.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the victim.

2. The applicant is seeking bail on the ground that the trial has not been commenced within a reasonable period. Admittedly, the case is of 2020. The Roznamas of proceeding have been produced.

3. The learned APP for the respondent-State produced the order of the learned Trial Court rejecting his last bail application and argued that the witnesses were ready, but the accused had sought time to change the lawyer. She argued that the trial was not deliberately protracted.

4. Learned counsel for the victim would submit that the victim was called for five times to lead the evidence and for five times, she was bond over. But the accused was not supporting the prosecution and seeking the adjournment by this way or the other. He also argued that the victim and the witnesses were never tried to protract the trial, but the accused was interested in bail only. In addition thereto, the learned APP would submit that the relatives of the accused threatened the witnesses and the complaint against his relatives has also been filed in that regard.

5. Both sides have produced on record the roznamas. The observations of the learned Trial Court are specific about the conduct of the accused. It is clear from his conduct that he was not co-operating with the Court in getting the trial disposed of at the earliest. Had the accused co-operated, the trial would have been concluded. The Court is not satisfied that the prosecution is solely responsible for the deliberate protraction of the trial. It seems that the accused was not supporting. He was also changing the lawyers. Since the Court is not satisfied that there was deliberate delay in protracting the trial by the prosecution or the witnesses, the application deserves to be dismissed. However to protect the interest of the accused, the

trial is expedited subject to fullest co-operation of the accused and the concerned lawyers. The learned Trial Court shall make an endeavour to dispose of the trial within eight months from the receipt of this order. Wherever the physical production of the accused is not essential, he may support the prosecution to attend the trial on V. C.

6. In view of the above, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-