



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 BAIL APPLICATION NO. 2305 OF 2023

SHAIKH SHOYEB S/O SHAIKH NABBU

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Barlota Ambar S.
APP for Respondent/State : Ms. P. R. Bharaswadkar.

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CORAM : S. G. MEHARE, J.

DATE : 02.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent/State.

2. The applicant moved an application in view of the order of this Court dated 29.09.2022. The learned counsel for the applicant submits that after the order dated 29.09.2022, the charge was framed and few witnesses were examined. The summonses were issued to the witnesses. However, they did not appear. Then, the Court issued Bailable Warrant against them. Bailable Warrant also served but they did not appear. The Public Prosecutor has submitted an application for issuing the summons. The grievance of the applicant is against the police machinery who is spending time in serving the

witnesses. He submits that the trial is going at snail's speed. Therefore, he may be granted bail.

3. It is true that speedy trial is the fundamental right of the applicant. However, this principle could not be applicable as a straight jacket formula in every case.

4. Court and the Public Prosecutor were performing their duties well. The witnesses are not coming to the Court, in such a situation, the Prosecutor may take an appropriate decision and seek for issuance of the NBW against the witnesses. If the Investigating Officer does not co-operate with the prosecution to produce the witnesses, the summonses may be served through the Superintendent of Police on the Court's specific order. The Court may also record the fact findings on the failure of the police to produce the witnesses on time. In such a situation, this Court may assist and direct the Trial Court to take stringent action for producing the witnesses under NBW and issue strict directions to the Investigating Officer to serve the witnesses and produce in the Court. If the Investigating Officer is failing to obey the Courts orders, necessary action be taken against the Investigating Officer, who is not producing the witnesses.

5. The prosecutor and the Investigating Officer should make an endeavour to conclude the trial within six (6) months from today.

6. With these directions, the application stands disposed of.

7. Mr. Shakeer H. Shaikh, PSI from the concerned Police Station is present in the Court. He states that he does not know anything about the matter. However, he ensures the Court that he would intimate the PSO and serve the witnesses and produce before the concerned Court. If the witnesses would not support, they would arrest them and produce before the Court.

(S. G. MEHARE, J.)

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