

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2131 OF 2024

Avinash @ Avi Babu Rathod

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Vijay Kurle, Advocate for Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 26th JULY, 2024

PC:-

1) In the present matter, this Court issued notice on 12th June, 2024 to the State and kept the matter on 3rd July, 2024. On 3rd July, 2024, it was adjourned for filing a reply and for production of case diary for perusal. Thereafter the matter came up before this Court today.

2) The learned APP has shown his inability to argue the matter on two counts. One, his papers are not traceable and the second the case is diary yet received.

3) Considering the genuine difficulty of the learned APP when this court was intending to grant a short date, the learned Counsel for the applicant not only strongly opposed the request of the learned APP but

started shouting and saying that if the Court grants adjournment, it would be an injustice. This Court repeatedly tried to pacify the learned Counsel for the applicant and to request him not to shout but make submissions in a peaceful manner. He was assured that yet the adjournment is not granted and if the submissions are made in a proper manner, it would be considered. However, he even was not allowing the Court to speak and created a scene in the Court, for no reason.

4) Looking at the behaviour and conduct of the learned Counsel for the applicant, no doubt the same amounts to interference in the administration of justice and this Court could have initiated a contempt proceeding against the learned Counsel for the applicant. However, considering the fact that the learned Counsel for the applicant is a young lawyer and any such action would cripple his future prospects, no contempt proceeding is initiated.

5) In the above-referred backdrop, considering the insistence of the learned Counsel for the applicant to hear and decide the application even if the case diary is not produced or papers are not available with the learned APP, to avoid further scenes in the Court, I proceeded with the matter to decide the same on merit.

6) After going through the documents filed along with the application including a copy of the FIR, it is evident that the offence is very serious. There is a statement of co-accused who has categorically named the applicant and stated his involvement in the alleged offence thus since the investigation is going on such a statement is sufficient for having custody of the applicant for investigation, to go to the root of the matter and to find out whether his involvement is there.

- 7) Hence, considering the above referred facts, I am not inclined to grant bail. Accordingly, the application is rejected.
- 8) At this stage, the learned Counsel for the applicant submits that the investigation is completed and the charge-sheet has been filed yesterday.
- 9) It is surprising that despite the fact that the charge-sheet has been filed, the learned Counsel for the applicant instead of producing the same on record and then to argue the matter insisted the Court to hear the matter today itself and decide the application.
- 10) In the circumstances, I am of the opinion that for the mistake of the learned Counsel for the applicant, the applicant should not suffer. Hence, liberty is granted to the applicant to apply afresh before the trial Court for grant of bail if the charge-sheet has already been filed.
- 11) The Application is rejected and disposed of accordingly.

[ANIL S. KILOR, J.]