

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

CRIMINAL BAIL APPLICATION NO. 2247 OF 2023

Bhaiyya @ Rahul Subhash Mane ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Umesh Mankapure, Advocate for the Applicant.

Mr. Pandurang H. Gaikwad, APP for the Respondent– State.

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CORAM : ANIL S. KILOR, J.

DATE : 10th JULY 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No.209 of 2019, registered with Miraj (Rural) Police Station, District: Sangli for the offences punishable under Sections 307, 324, 143, 145, 147, 148, 149, 504 of Indian Penal Code (for short 'IPC') and Sections 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organized Crime Act, 1999 (for short 'MCOC Act').
3. Learned counsel for the Applicant submits that the minimum punishment for the offences under MCOC Act, is five years, whereas the Applicant has undergone more than five years period of

incarceration. It is submitted that this is a sufficient ground to grant bail to the Applicant.

4. Learned APP strongly opposed the application on the ground that the trial is about to conclude as 22 witnesses have already been examined and only four witnesses are left to be examined. It is submitted that if the Applicant is released on bail, there is a possibility that he may pressurize the witnesses and in that case there would be no fair trial.

5. The Investigating Officer is present in the Court and the learned APP on instructions, makes a statement that in near future the trial would be concluded.

6. In the circumstances, considering the fact that only four witnesses are left to be examined and considering the fact that the Applicant has already undergone more than five years period of incarceration, I am of the opinion that the justice would be subserved if the trial Court is directed to conclude in a time bound manner.

7. Hence, in light of peculiar facts of the present case, the application is disposed off with a direction to the learned trial Court to expedite the trial and conclude the same in next two months from the next fixed date.

8. The learned APP and learned counsel for the Applicant undertake to submit a copy of this order before the trial Court within one week from today.

9. Accordingly, the application is disposed off.
10. The Applicant is granted liberty to move afresh, in case the trial is not concluded despite of these directions within two months.

(ANIL S. KILOR, J.)