

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3563 OF 2023

Kiran Gulab Gavit

...Applicant

vs.

The State of Maharashtra

...Respondents

Mr. Himanshu S. Gavit - Advocate for the Applicant

Mr. A. D. Kamkhedkar - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 12th FEBRUARY, 2024

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP.
2. It is true that earlier Bail Application filed by this Applicant was rejected on merits on 16/01/2023. However liberty was granted to the Applicant to apply again, if the trial will not finish within six months. It is true that after the said Order the Applicant has again moved before the trial Court, however it was rejected on 14/09/2023. While passing that Order, the trial Court has directed to give priority to the trial. However when the Applicant produced various roznamas from the date of 06/02/2023 upto 09/02/2024, what transpires is that two under trial prisoners accused nos. 1 and 9 were not produced on

several occasions. Thereafter accused no. 9 was granted bail and the present Applicant is the only under trial prisoner. That is why as per detailed order passed on 31/01/2024, it was brought to the notice of learned Additional Sessions Judge, Vaduj to make use of video conferencing facility, if the Applicant is not produced from the jail. Today learned Advocate for the Applicant produced a copy of the roznama dated 09/02/2024. It is taken on record and marked as 'Annexure-X'

3. Though there is some improvement, when the approach of the learned trial Court still its writ large that no orders are passed against accused nos. 3, 4, 6 and 9, when they are absent. Accused No. 1 was produced from the Kalamba Jail through VC but in fact trial court was required to pass some order against accused who are absent. With this speed, one does not know when trial will be finished.

4. This application is filed much after expiry of six months from 16/01/2023. It is true that every under trial prisoner is having right to speedy trial. It may be true that there may be more cases belonging to under trial prisoners, one does not know when trial will start and when it will be finished. Till today charge is not framed. For securing the

attendance of the Applicant, the Court can certainly put conditions.

5. Hence the Order :-

- (i) The Bail Application is allowed.
- (ii) The Applicant arrested in connection with C.R. No. I-429 of 2021 registered with Vaduj Police Station for the offence punishable under Sections 395, 365, 323, 504, 506, 120 (b) of the Indian Penal Code and Sections 3, 25 of Arms Act and Sections 66(c), 66(d) of the Information Technology Act, be released on bail on furnishing Personal Bond and Surety Bond in sum of Rs. 50,000/-.
- (iii) Let Surety having residence from the Satara district only be furnished.
- (iv) Let the Applicant give attendance to Vaduj Police Station on first Monday of every month of March and November from 10.00 a.m. to 12.00 noon until completion of the trial.
- (v) Applicant shall not threaten the prosecution witnesses.

6. Application is disposed of in the aforesaid terms.

[S. M. MODAK, J.]