

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

CRIMINAL BAIL APPLICATION NO. 172 OF 2024

Balu Babu Pore

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Shripad P. Hushing for the Applicant

Mr. V. B. Konde Deshmukh, Addl. P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
FRIDAY, 19th JANUARY 2024***

P.C. :

1 This is the second bail application preferred by the applicant, seeking his enlargement on bail in connection with C.R. No. 92/2015 registered with the Walchandnagar Police Station, Indapur, Pune, for the alleged offences punishable under Sections 302, 324, 504, 506 r/w 34 of the Indian Penal Code.

2 The first bail application of the applicant i.e. Criminal Bail Application No. 229/2017 was rejected on merits by this

Court (Coram : Revati Mohite Dere, J.) vide order dated 17th April 2017. The said order is at Exhibit `F' at page 189. The second bail application of the applicant i.e. Bail Application No. 184/2018, was withdrawn by the learned counsel for the applicant, as the Court was not inclined to enlarge the applicant on bail. The same is recorded in the order dated 9th February 2018 passed by Justice Sadhana S. Jadhav (as she then was). The said order is at page 192 of the application. Whilst passing the said order dated 9th February 2018, the learned Sessions Judge was directed to make every endeavour to expedite the trial and conclude the same as far as possible within 10 months. Accordingly, the application was dismissed as withdrawn with direction as stated aforesaid.

3 According to the learned counsel for the applicant, despite the trial being expedited and made time-bound, the said direction has not been complied with. He submits that the applicant is still languishing in jail.

4 It is not in dispute that between 2018 till now, almost for 1–1½ years, because of Covid, there was delay in conducting the trials. I am informed that the prosecution has examined all the witnesses and the 313 statement of the applicant has also been recorded and the matter is posted for arguments.

5 The grievance of the learned counsel for the applicant is that despite the applicant's advocate having concluded their arguments in January 2023, the Prosecutor in the said case had not completed his argument for nearly eight months. He submits that thereafter, the case was transferred to some other Judge and again the matter was kept for arguments of the applicant and the prosecutor.

6 When confronted, learned A.P.P states that the prosecutor in the Sessions Court will not seek time and will complete arguments as directed by the trial Court. Statement accepted.

7 Considering that the trial is almost over and is kept for arguments, the learned Judge to decide the said case as expeditiously as possible and in any event, within two months from the date of receipt of this order.

8 In the event, the case is not decided within two months, liberty is granted to the applicant to renew his prayer for bail.

9 Needless to state that this Court has not gone into the merits of the application and as such, all contentions of all parties are kept open.

10 The application is disposed of on the aforesaid terms.

11 Registry to communicate the above order to the Additional Sessions Judge, who is seized of Sessions Case No. 37/2016. Learned A.P.P as well as learned counsel for the

applicant also to produce the order passed today before the learned Judge, in order to enable the learned Judge to comply with the same.

REVATI MOHITE DERE, J.