

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

BAIL APPLICATION NO. 497 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2024.01.29
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Yudhveer Satbir Yadav ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Niranjan Mundargi, i/b Omneel Jadhav, for the
Applicant.

Mr. S. R. Aagarkar, APP for the State/Respondent.
PSI Dhotre and SC Surve, AEC, DCB, CID, Mumbai, present.

CORAM: N. J. JAMADAR, J.

DATED: 24th JANUARY, 2024

PC:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the applicant submits that according to his instructions charge has been framed on 9th January, 2024.
3. The learned Counsel for the applicant further submitted that the prime witness Mohammad Ehtesham Mohd. Aslam Naviwala is an absconding accused and, therefore, the trial is not likely to commence.
4. Mr. Aagarkar, the learned APP, on instructions, submits that the said witness is protected by an order of the Court and the prosecution is in a position to examine the witness.

5. In view of the aforesaid statement, the learned Counsel for the applicant, seeks leave to withdraw the application.

6. The learned Counsel for the applicant further submits that since this Court has granted liberty to the applicant to apply for bail in the event the charge was not framed within a period of nine months, the trial may be expedited. In view of the order passed by this Court on 28th September, 2021 in BA/3209/2021 it may be expedient to expedite the trial.

7. The application, thus, stands dismissed as withdrawn.

8. The learned Additional Sessions Judge seized with Session Case No.295 of 2021 arising out of CR No.142 of 2020 is requested to make an endeavour to conclude the trial as expeditiously as possible and, preferably, within a period of nine months from the date of the communication of this order.

9. The applicant would render the necessary cooperation in the expeditious conclusion of the trial and shall not seek adjournment.

10. In the event, the trial is not concluded in the aforesaid period, the applicant shall have the liberty to revive the prayer for bail.

11. Application stands disposed.

[N. J. JAMADAR, J.]