

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 949 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Date: 2024.03.09
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Nitin Janardan Ovhal ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Shriganesh Sawalkar, a/w Poonam Karande, Manjiree
Dhuri, Kunal Aher, Gayatri Yadav and Ashwini, for the
Applicant.

Mrs. Geeta Mulekar, APP for the State/Respondent.
PSI S. V. Mane, Kalyan Taluka Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 7th MARCH, 2024

PC:-

1. Heard the learned Counsel for the parties.
2. The learned APP informs the Court that during the pendency of the trial the applicant was released on medical bail and the applicant had not surrendered for two and half years and he was required to be arrested and committed to prison.
3. The learned APP further submits that five witnesses have been examined and the prosecution proposes to examine 10 more witnesses.

4. The learned Counsel for the applicant, in view of the aforesaid submissions, seeks leave to withdraw the application.

5. The period of incarceration of the applicant is long. However, the fact remains that the applicant was released on bail on medical ground and he did not surrender and was therefore required to be arrested. The son of the applicant, who was then four years of age, is stated to be a prime witness of the alleged murder of the deceased by the accused.

6. In the circumstances, it may be expedient to request the Sessions Court seized with Sessions Case No.107 of 2020 arising out of CR No.324 of 2024 to make an endeavour to conclude the trial in SC No.107 of 2020 as expeditiously as possible and, preferably, within a period of four months from the date of the communication of this order. Evidence of prime witness may be recorded, on priority .

7. Application stands disposed as withdrawn.

[N. J. JAMADAR, J.]