



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1849 OF 2024**

Ilahi @ Salman Marimsha Shaikh
versus
State of Maharashtra

... Applicant
... Respondent

Mr. Aamir Shaikh, for Applicant.
Mrs. Gauri S. Rao, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 29 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in Sessions Case No.235 of 2023 pending on the file of the learned Additional Sessions Judge, Belapur arising out of C.R.No.334 of 2015 for the offences punishable under Sections 120B and 302 of the Indian Penal Code. This is the second application for bail. The first was rejected by this Court by an order dated 8 August 2017 ascribing reasons.
3. Learned counsel for the Applicant submitted that since last two years, there has been no substantial progress in the trial. The applicant has been in custody since the year 2015. Therefore, the applicant be enlarged on bail on the ground of long period of incarceration.
4. The Roznama of the proceedings before the learned Additional Sessions Judge indicates that as many as 18 witnesses have been examined.

5. Learned Counsel for the applicant submitted that the trial could not progress as the IO, whose evidence is yet to be recorded, has not appeared before the Court of Sessions to record his evidence.

6. It appears that the trial has reached an advanced stage. Since this Court has rejected the application for bail on merits, at this stage, there is no propriety to entertaining the second bail application. However, having regard to the period of incarceration and the fact that 18 witnesses have already been examined, it may be expedient to request the learned Additional Sessions Judge to conclude the trial in Sessions Case No.235 of 2023 as expeditiously as possible and preferably within a period of six months from the date of communication of this order.

7. In the event the trial is not concluded within the said period, the applicant shall have the liberty to revive the prayer for bail on the ground of long period of incarceration.

8. With the aforesaid direction, the application stands dismissed.

(N.J.JAMADAR, J.)