

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

BAIL APPLICATION NO. 2341 OF 2023

Suresh Kailas Giri

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Narayan Kakade for the Applicant.

Mr. S.H. Yadav, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 02nd FEBRUARY, 2024.

P. C. :-

. The previous application being Bail Application No.3859/2021 was disposed of in view of the statement made by the learned APP that the entire trial would be concluded within a period of two months. Liberty was granted to the Applicant to file a fresh application in the event the trial was not concluded within three months.

2. The 2nd application has been filed mainly on the ground that the trial is not concluded within stipulated time. Learned APP was directed to take instructions as regards the stage of the trial. On 22/01/2024, Report was called from the learned Sessions Judge, Special MCOC Court, Court Room No.55, Greater Bombay particularly in view of the statement made by the Investigating Officer that the trial Court had not

examined the witnesses though present before the Court. The learned Sessions Judge, Special MCOCA Court, Court Room No.55, Greater Bombay has submitted the report along with copy of the roznama.

3. A perusal of the roznama indicates that on some of the dates, the accused was not produced from the custody. The evidence of the witnesses was not recorded since the advocate for the accused had insisted on presence of the accused. Subsequently, the case has been adjourned time and again in view of the absence of the advocate representing accused No.4. In such circumstances, the accused no.4 cannot seek bail on the ground of delay in trial. Hence, I am not inclined to entertain the application. Hence, the Application is dismissed.

4. Learned APP states that the prosecution intending examining total 07 to 09 witnesses. Considering that the Applicant is in custody since long, the learned Sessions Judge, Special MCOCA Court, Court Room No.55, Greater Bombay is directed to expedite the trial and conclude it in any event within a period of six months from the receipt of copy of this order. The Registrar (Judicial-II) to communicate this order to the learned Sessions Judge, Special MCOCA Court, Court

PH. Jayani

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Room No.55, Greater Bombay.

(SMT. ANUJA PRABHUDESSAI, J.)

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