

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

CRIMINAL BAIL APPLICATION NO.3436 OF 2023

Nasibullah Yadali Khan	Applicant
Versus	
State of Maharashtra & Anr.	 Respondents

Mr. Prashant Jadhav, Advocate i/b. Vijay D. Shinde for the
Applicant.
Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JANUARY, 2024

P.C. :

1. The Applicant has preferred this application on the third occasion for his release on bail in connection with C.R. No.186/2019 registered at Navghar police station, Mumbai on 14.8.2019 under Sections 376, 376(2)(n), 506(2), 354D of IPC and under Sections 4, 8, 12, 5 and 6 of the Protection of Children from Sexual Offences Act.

2. The Applicant is arrested on 14.8.2019 and since then he is in custody. First time the Applicant had preferred Criminal Bail Application No.41/2020. It was rejected by a reasoned order on 1.12.2020. On the next occasion, he preferred Bail Application No.3024/2021. It was dismissed for non-prosecution on 12.7.2023.

3. Today, learned APP stated and the learned counsel for the Applicant agreed that the first informant is already examined in the trial and the trial is in progress.

4. Considering these statements, directions can be issued to the trial Court to complete the trial within a reasonable period by conducting the trial on day to day basis.

5. In view of this suggestion, learned counsel for the Applicant does not press this application at this stage. He seeks liberty to file fresh application in case the trial is not over within a period of three months from today. Considering the request, following order is passed :

:: O R D E R ::

- i. The Application is allowed to be withdrawn as not pressed.
- ii. In case the trial is not concluded within a period of three months from today, the Applicant is at liberty to make a fresh application for his release on bail.
- iii. The trial Court is directed to conduct the trial on day to day basis and to conclude it within a period of three months from today.
- iv. The accused and the prosecution shall not take unnecessary adjournment.
- v. With these directions, the Bail Application is disposed of.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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(SARANG V. KOTWAL, J.)