

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

CRIMINAL APPEAL NO. 450 OF 2024

Umaji Sateri Lohar

..Appellant

Versus

The State of Maharashtra and Anr.

.. Respondents

...

Mr. Chetan G. Patil i/b Mr. Bhushan Jadhav a/w Vishwesh Gadage, for Appellant.

Mr. Ashok Metakari, APP for Respondent – State.

Mr. Swaraj Jadhav, for Respondent No.2.

Mr. Hanmant S. Naik, PSI Police Station, Kolhapur.

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CORAM : SANDEEP V. MARNE J.

DATE : 24 JULY 2024.

P.C. :-

1) This is an appeal under the provisions of Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (SCST Act) challenging order dated 16 January 2024 passed by the Additional Sessions Judge Gadhinglaj, rejecting the application filed by the Appellant under provisions of Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2) I have heard Mr. Patil the learned counsel appearing for the Appellant, Mr. Jadhav learned counsel appearing for Respondent No.2 – Complainant and Mr.

Metakari the learned APP for Respondent No.1 – State.

3) After having heard the submissions canvassed by the learned counsel appearing for parties and after going through the records of the case, it appears that the trial has already commenced. The charge is framed on 13 February 2024 after rejection of the Appellant's bail on 16 January 2024. After framing of the charge on 13 February 2024, the prosecution has examined its first witness on 3 June 2024.

4) Mr. Patil would submit that there are as many as 29 witnesses which the prosecution proposes to examine in support of its case and considering the speed at which the trial is being conducted, it will take substantially long period of time for conclusion of the trial. On the other hand, Mr. Jadhav would submit that there are four vital witnesses before, whose examination it would be dangerous to grant bail to the Appellant. It appears that the next date in the trial is 30 July 2024 when the same would be taken up for receiving muddemal property as well as for examination of Punch witness.

5) Mr. Metakari, after taking instructions from the concerned Police Officer, who is personally present before the Court, makes a statement that an endeavour shall be made for examination of four vital witnesses Shri Rahul Suresh Kamble, Mallava Dattu Kamble, Prabhakar Kallappa Kamble and Omkar Suresh Kamble in an expeditious manner.

6) In that view of the matter, I am not inclined to enlarge the Appellant on bail at this point of time. Instead, the learned Sessions Judge is requested to conduct examination of the said four witnesses Shri Rahul Suresh Kamble, Mallava Dattu Kamble, Prabhakar Kallappa Kamble and Omkar Suresh Kamble in an expeditious manner, preferably within a period of three months from today. Immediately after examination of the said four witnesses is over, the Appellants shall

be entitled to apply bail before the learned Additional Sessions Judge.

7) With the above observations, the Criminal Appeal is disposed of.

[SANDEEP V. MARNE J.]

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