



Diksha Rane

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

BAIL APPLICATION NO.429 OF 2024

IRFAN SHAHZAD KHAN ALIAS IRFAN BALA ..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sohail Ahmed a/w. Adv. Abdullah M., Adv. Shobana
Shah i/b. Adv. Rajendra Rathod for the applicant.

Mr. S. V. Walve, APP for the State.

Adv. Ajit M. Savagave for first informant.

CORAM : M. S. KARNIK, J.

DATE : MARCH 15, 2024

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the first informant.

2. By an order dated 9/2/2023, this Court had granted permission to withdraw the first bail application with liberty to apply after six months if the trial does proceed substantially. The trial proceeded. The trial is at the stage of recording of statement of the accused under Section 313 of the Code of Criminal Procedure (Cr.P.C.). A grievance is made by learned counsel for the applicant that the applicant now is in custody for almost five years. My attention is invited to the evidence of the Medical Officer.

3. Learned APP as well as learned counsel for the first informant submitted that while on bail in another offence the present offence was committed by the applicant. As the applicant was absconding for a period of two years, the Court at Amalner had issued a non-bailable warrant.

4. Learned counsel for the applicant submitted that on the last date i.e. on 14/3/2024, the applicant was not produced before the trial Court.

5. In my opinion, in the facts and circumstances of the present case, considering that the trial is at the fag end, the trial Court can be requested to conclude the trial within a period of four weeks from 21/3/2024. The applicant be positively produced before the trial Court on 21/3/2024 so that the statement under Section 313 of the Cr.P.C. can be recorded.

6. Stand over to **27/3/2024**.

(M. S. KARNIK, J.)