

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1204 OF 2024

Shan Mohammed Noor Mohammed Shah ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. A. R. Bukhari for Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Mr. Hrishikesh R. Chavan for Respondent No.2.
Mr. Bhausaheb Deshmukh, PSI, Kashimira Police Station.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 15, 2024

P.C. :

. Heard Mr. Bukhari, learned counsel for the applicant, Mr. Kulkarni, learned APP for the respondent-State, as also Mr. Chavan, learned counsel appointed to appear on behalf of respondent No.2 (victim).

2. It is to be noted that this is the second bail application filed by the applicant before this Court. The earlier bail application bearing Bail Application No.1109 of 2023 was allowed to be withdrawn by this Court (Coram : M. S. Karnik, J.) by an order dated 01.09.2023, with liberty to apply after six months. Accordingly, the applicant has approached this Court again.

3. After having argued for substantial period of time, the learned counsel for the applicant, on instructions, seeks permission to withdraw the present application. He submits that unless appropriate directions are issued for expeditious disposal of the trial, considering the workload of the trial Court, the trial, in the present case, will take a long period of

time to be concluded and the applicant will remain languishing in jail. It is emphasized that the applicant was arrested on 25.06.2022 and hence, he has already suffered incarceration for a period of about two years and four months. In this backdrop, he prays for appropriate directions to the concerned trial court to expeditiously conclude the trial and within a time-bound schedule.

4. In the present case, the charge-sheet was filed as far back as on 23.08.2022, but the charges are yet to be framed. The list of witnesses filed along with the charge-sheet shows that the prosecution intends to examine 12 witnesses. In practical terms, it is found that the prosecution examines fewer witnesses during the course of trial. In this situation, the concerned Court can be directed to expedite the trial proceedings.

5. In view of the above, the application is disposed of as withdrawn. However, the concerned trial Court is directed to expedite the trial proceedings. The trial shall be completed within a period of nine months from today.

6. In the event the concerned Court is unable to complete the trial in the aforementioned time period and the delay is not attributable to the applicant, liberty is reserved for the applicant to renew his prayer for bail.

(MANISH PITALE, J.)

Minal Parab