

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

CRIMINAL BAIL APPLICATION NO.1836 OF 2024

Vishnu alias Bablu Vasant Gavali

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Rohan Nahar (through VC) a/w Ms. Vilasini B. i/by Mr. Parth M. Shah for Applicant.

Mr. Y.M. Nakhwa, APP for Respondent- State.

Mr. Vivek Arote for Intervenor.

S.P. Jadhav, Lashkar Police Station, Pune City, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 23rd July 2024

P. C.:

1. The Applicant has filed total five Bail Applications in the Trial Court, which have been rejected. The Applicant has earlier filed three Bail Applications in this Court and they have been rejected. This is the fourth Bail Application filed in this Court.

2. The earlier two Bail Applications were rejected by the Order dated 24th October 2018 and 5th April 2021 passed by a learned Single Judge (Anuja Prabhudessai, J.). In the said Orders, it has been *inter alia* recorded that the material on record *prima facie* indicates that the Applicant was armed with pistol and he had fired a gunshot.

3. The third Bail Application was rejected by this Court on 14th March 2024. On that date, the learned APP, on instructions, stated that

the trial would be concluded within a period of one month.

4. In the said Order dated 14th March 2024, it is also recorded that there are six antecedents against the present Applicant. Out of which, two cases are under Section 302 of IPC, two cases are under Section 307 of IPC and one case is under Section 353 of the IPC. In one case, where the offence is under Section 302 IPC, the Applicant has been convicted. Learned Counsel appearing for the Applicant states that as far as said conviction is concerned, the Appeal is filed in this Court and the Applicant has been released on bail during the pendency of the said Appeal.

5. Mr. Nakhwa, learned APP states that the trial is at the stage of recording of statement under Section 313 of Cr.PC. However the Roznama dated 19th July 2024 recorded in the said Sessions case *inter alia* show that the Accused No.1 i.e. the Applicant has not been produced in the Court. As the present case has reached upto the stage of statement under Section 313 of Cr.PC, the learned Sessions Court is requested to dispose of the Sessions case as expeditiously as possible. The learned Sessions Judge to take note of the fact that the Applicant is incarcerated since 26th September 2016 and therefore, it is necessary to conclude the trial by giving judgment expeditiously.

6. Learned APP states that the next date in the trial Court is 25th July 2024.

7. The Respondent-State is directed to keep the Applicant/Accused No.1 present in the Court on 25th July 2024 and on each and every date. The learned Sessions Judge is requested to submit a report to this Court regarding the steps taken for expeditious disposal of the said Sessions Case.

8. According, stand over to **5th August 2024**.

[MADHAV J. JAMDAR, J.]