

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2357 OF 2024**

Sandip Pitambar Khairnar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Suvarna S. Yadav for applicant (appointed through legal aid).

Mr. Sagar R. Agarkar, APP for respondent-State.

Mr. Tukaram Mengal, PSI, Aarey Police Station, Mumbai.

CORAM : MANISH PITALE, J.

DATE : 13th DECEMBER, 2024

P.C. :

. This is an application filed by the applicant through jail. Admittedly, this is the third bail application of the applicant. The principal ground for pressing this application appears to be long incarceration suffered by the applicant.

2. Considering the aforesaid circumstances, on 09.08.2024, this Court called for a report from the concerned Court. Report dated 13.09.2024 sent by the concerned Court specifically states that the delay in the proceedings is because of the accused persons. It was highlighted that one of the accused persons i.e. accused No.7 did not engage an advocate for his defence and when legal aid was given to him, he refused the same. Towards the end of the trial, he engaged a private advocate and applied for recalling of witnesses, due to which 12 witnesses had to be recalled for cross-examination. Till September 2024, 7 such witnesses were cross-examined. The learned APP, on instructions, reports that as on today, only 1 witness remains to be cross-examined.

3. The detailed report submitted by the concerned Court indeed indicates that the delay in the trial is attributable to one of the accused persons. The earlier bail applications of this applicant were dismissed on merits.

4. Considering the fact that now only 1 witness remains to be cross-examined and the trial appears to be at the fag end, the application is disposed of, with a direction to the concerned Court to complete the trial and render judgment within 3 months from today.

5. This order be communicated immediately to the concerned Court.

(MANISH PITALE, J)

Priya Kambli