



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

BAIL APPLICATION NO. 3006 OF 2024

Sumit Vasant Patil	...Applicant
vs.	
The State of Maharashtra	...Respondent

**ALONGWITH
INTERIM APPLICATION (ST) NO. 19609 OF 2024
IN
BAIL APPLICATION NO. 3006 OF 2024**

Chandrakant Dattu Chaudhari	...Applicant
vs.	
The State of Maharashtra	...Respondent

Prashant V. Malik with Shesh Deshpande and Vijay B. Chauhan	Advocate for the Applicant
Mr. H. J. Dedhia	APP for the Respondent-State
Adv. Avinash B. Avhad a/w Adv. Sahil S. Ghule	Advocate for the Intervenor

CORAM : S. M. MODAK, J.

DATE : 19th SEPTEMBER 2024

P.C. :-

INTERIM APPLICATION (ST) NO. 19609 OF 2024

1. The first informant has filed intervention application. Today it is

not listed. Learned Advocate has shown me copy of the Intervention application. It is taken on board.

2. Heard both the sides.

3. It is allowed in terms of prayer clause 'a'. Applicant be joined as Respondent No. 2.

4. Interim Application (ST) No. 19609 of 2024 is disposed of.

5. The intervenor is at liberty to show to the Court documents annexed to the intervention application.

Bail Application No. 3006 of 2024

6. Heard learned Advocate Shri Malik for the Applicant, learned Advocate for the first informant and learned APP.

7. It is true that the Sessions Court as well as this Court have rejected the bail application of this Applicant. It is also true that the Hon'ble Supreme Court has refused to grant Special leave as per Order dated 13.10.2023. At the same time, liberty was granted to the Applicant to renew the request once the charge is framed. It is not in dispute that charge is framed against both the accused on 03.01.2024, at page no. 327. The further roznamas shows that matter is fixed for recording of the evidence.

8. The issue is what will be the scope of this application. It is very well true that by refusing the Special leave, the Hon'ble Supreme Court has thought it fit not to interfere in the merits of the matter. Granting liberty to apply after framing of the charge, it means liberty to renew the request considering the period of incarceration. This ground is one of the ground no. 8 of the application. It means that there was no progress after framing of the charge. It will be better to call report from the trial Court.

9. Hence, let report be called from the Court of the Additional Sessions Judge, Kalyan in respect of the Sessions Case No. 80 of 2022 on the following aspects:-

- (i) When the trial is going to start?
- (ii) How many under trial prisoners cases are there?
- (iii) When the trial of this case is likely to be over?

10. A grievance is made on behalf of the first informant that accused no. 1 has not engaged an advocate. If this is a situation then the trial Court to ascertain from both the accused, whether they are represented and if the Court finds that they are taking time in appointing an advocate, then advocate from legal aid panel be appointed. If they are

not physically produced, trial Court to see that they will be produced virtually.

11. Matter be kept on **03.10.2024**.

[S. M. MODAK, J.]