



**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

Sr. Adv. Sudeep Pasbola a/w Irfan Ansari, Vijay Chauhan, S. Deshpande i/by Adv. Prashant V. Malik	Advocate for the Applicant
Adv. Avinash B. Avhad a/w Adv. Adv. Mahesh Rawool, Adv. Sahil S. Ghule, Adv. Sachin Gawade	Advocate for the Respondent No. 2-Intervenor
Shri H. J. Dedhia	APP for Respondent No. 1-State

CORAM : S. M. MODAK, J.

DATE : 29th NOVEMBER 2024

P. C. :-

1. Heard learned APP Shri Dedhia and learned Advocate Shri Avhad for the Intervenor and learned Senior Advocate Shri Pasbola assisted by learned Advocate Shri Prashant Malik for the Applicant.
2. It is true that the matter was fixed before the Court of the Additional Sessions Judge, Kalyan on 04.11.2024 for recording of the

prosecution evidence, however for some reason or other the evidence could not be recorded. Now the case is fixed before the trial Court tomorrow i.e. on 30.11.2024.

3. It is true that the Hon'ble Supreme Court has granted liberty to apply to this Applicant after framing of the charge and that is why present application.

4. From the stage of the case before the trial Court, it is clarified that now it is for recording of the evidence.

5. The trial Court as per order dated 04.11.2024 mentions that the prosecution is going to examine 15 witnesses. Fortunately, learned APP Ms. Phad, who is Special public prosecutor in that matter is present today in the Court. On query put to her, she is ready to give details of those witness to the trial Court tomorrow.

6. Even if the witnesses may be only 15 certainly the evidence has to be recorded without curtailing right of the defence also. So it may not happen that the recording of the evidence will be over within 15 days only, because the trial Court must be having other matters also. This Court is cautious about opportunity to be given to the prosecution to prove their case and also cautious of right of under trial

prisoners. This Court will certainly consider the conduct of both the sides before trial court during conduct of trial.

7. So let this matter be kept on **12th December 2024**.

8. Both the Parties are at liberty to apprise the Court about happenings before the trial Court. Parties are at liberty to produce copies of roznama.

[S. M. MODAK, J.]