



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 924/2023

(Sayyad Asif Ali S/o Sayyad Ali Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.M. Daga, Advocate for applicant.
Mr. J.Y. Ghurde, APP for non-applicant/State.

CORAM: VINAY JOSHI, J.

DATED : 05/01/2024.

Heard.

2. Third time the applicant/accused has approached this Court for grant of regular bail in terms of Section 439 of the Code of Criminal Procedure ('Code'). On first occasion i.e. on 23.06.2021, this Court has expressed non-inclination to grant bail which resulted into withdrawal of bail application. The liberty was granted to approach after six months and as such, again the applicant filed bail application after lapse of one year. While dealing with second bail application, it was brought to the notice that the prosecution has examined 14 witnesses and taking into account said position, bail application was not entertained, but directions were issued to the Trial Court to decide the case within three months. Since within stipulated period the case was not decided, the applicant once again knocked the door of this Court to claim bail on 22.12.2023.

3. On 22.12.2023, this Court has considered the position of trial which was reported and anxious to know the current status so as to pass the suitable order. This Court called report from the Presiding Officer about the

status as well as specifically called the reports from concerned APP to inform as to how many witnesses have been examined and the prosecution still intent to examine the witnesses. In response, we have received reply of the State informing that already 16 witnesses have been examined and probably the last witness i.e. the Investigating Officer is under cross-examination. It is informed that after evidence of Investigating Officer, the prosecution would close the evidence with a rider to examine the witnesses, if they find it necessary after cross-examination.

4. Thus, practically the Trial is complete and therefore, at this juncture, we do not find any propriety to entertain the application.

5. In view of above, application stands disposed of.

6. In case after examining of the Investigating Officer, the prosecution tenders list of other witnesses, the applicant is at liberty to approach this Court.

(VINAY JOSHI, J.)