

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

**BAIL APPLICATION NO. 4077 OF 2024**

Vitthal Ashok More

...Applicant

**Versus**

The State of Maharashtra & Anr.

...Respondents

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- Mr. Jyotiram S. Yadav, for Applicant.
- Mr. Y.Y. Dabke, APP for Respondent.
- Ms. Deepti Chand, for Respondent No.2 (appointed through Legal Aid).

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**CORAM : MANISH PITALE, J.**

**DATE : 30<sup>th</sup> APRIL 2025.**

**P. C. :**

1. In the light of the order dated 15<sup>th</sup> April 2025, Ms. Deepti Chand, learned counsel has entered appearance through legal aid on behalf of respondent No.2

2. The learned counsel for the applicant submits that if an opportunity is given it can be demonstrated before this Court that the applicant deserves to be enlarged on bail even if the material that has come on record upon filing of the charge-sheet is to be taken into consideration.

3. It is to be noted that the earlier bail application of this very applicant was considered on merits by this Court and when this Court was inclined to dismiss the application, on instructions, the learned counsel for the applicant had sought permission to withdraw the said application. It is also

relevant to note that the said order was passed by this Court after the charge-sheet had been filed and the entire material was available before this Court.

4. In the very same order dated 10<sup>th</sup> June 2024, disposing of the earlier bail application, this Court had also directed the concerned Sessions Court to frame charges within a period of six weeks from the date of the order and it was also observed that if the charge was not framed within the said period of time, the applicant would be at liberty to renew his prayer for bail. It is in this backdrop that the present application has been filed.

5. This Court finds that the earlier bail application of the applicant was considered on merits and this Court had indicated that it deserved to be dismissed on merit, but the applicant chose to withdraw the said application. In this backdrop, merely because this Court had directed the charge to be framed within a specific period of time, it cannot be said that the applicant would be entitled to virtually seek a review of the order dated 10<sup>th</sup> June 2024, in this application by seeking to argue on merits. It was a choice the applicant made on 10<sup>th</sup> June 2024, to withdraw the application. He could have suffered an adverse order and challenged the same on merits, but he failed to do so and therefore, this Court is of the opinion that in the present application the applicant cannot be allowed to open the matter on merits again. This is also relevant in the backdrop of the fact that even the applicant is not claiming any

subsequent event of significance to justify grant of bail. It is also to be noted that the maximum sentence that can be imposed for the offences for which the applicant is facing prosecution is upto life imprisonment and till date the applicant has undergone imprisonment as an under-trial only for a period slightly more than two years.

6. Nonetheless, it cannot be ignored that the Sessions Court has not abided by the direction given in the order dated 10<sup>th</sup> June 2024. This Court fails to understand as to why a period of almost one year having elapsed the Sessions Court has not found time to apply its mind to frame charge in the present case. The record also shows that even according to the prosecution, it intends to examine only eight witnesses. In practical terms, fewer witnesses are generally examined, thereby indicating the trial itself can be completed in an expeditious manner. But, unless charge is framed, the stage of examining witnesses would not arrive.

7. In view of the above, list this application for further consideration on **12<sup>th</sup> June 2025, “High on Board.”**

8. The concerned Sessions Court is directed to ensure that charge is framed before the next date of listing of this application. The concerned Sessions Court is also directed to submit a report as to why charge could not be framed within the stipulated period of time as directed in the order dated 10<sup>th</sup>

June 2024, and even thereafter till date when a period of almost one year has elapsed.

9. The Registrar shall ensure that a copy of this order is sent to the concerned Sessions Court immediately.

(MANISH PITALE, J.)