

Santosh Jayram Bhagat vs The State Of Maharashtra on 17 July, 2021

Author: M.S.Karnik

Bench: M.S.Karnik

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.25 OF 2020

Santosh Jayram Bhagat .. Applicant
Vs.
The State of Maharashtra .. Respondent

Mr. Vinayak Patil for the Applicant.
Mr. N.B. Patil, APP for the Respondent-State.

CORAM : M.S.KARNIK, J.

DATE : JULY 17, 2021
(THROUGH V.C.)

P.C.

It is the contention of learned counsel for the applicant that the applicant is in custody since 18/9/2014. The applicant is the original accused No.7 who was arrested for the offences punishable under Sections 395, 397, 398 read with Section 120-B of the Indian Penal Code in respect of C.R.No.I-141 of 2014 registered with Niphad Police Station, Nashik. An attempt to commit dacoity had taken in the night of 5/8/2014. The applicant/accused and his associates were found hiding. The applicant and his associates started running. The police and the members of the public chased and nabbed three accused immediately. The dacoity was attempted in an A.T.M. Center.

2. The bail applications fled by the applicant before the trial Court and this Court came to be rejected. By an order dated 1 Of 3

10.BA.25-20.doc 20/7/2015, this Court rejected the application for bail observing that the criminal record of the applicant is very bad. Nearly, 13 to 14 cases were pending against the applicant/accused and they are of the same criminal nature of theft, robbery. Three witnesses have identified the applicant in test identification parade which was conducted on 3/9/2014.

3. Thereafter, on 21/2/2018, this Court rejected the Bail Application No. 2676 of 2017 fled by the applicant for bail. The said application was fled contending that there are change in the circumstances in as much as the co-accused are released on bail. This Court observed that it is the duty of the trial Court to give a time bound programme to the police and the prosecution as it was pointed out that non-bailable warrants against the original applicant/accused Nos. 1, 4 and 5 were issued on 4/4/2017. This Court directed the trial Court to proceed with the trial of the under trial prisoners, who are before it and may separate the case of absconding accused.

4. I am informed that during the period from 3/4/2021 to 12/4/2021, six prosecution witnesses have been examined. However, due to Covid-19 situation, the trial could not proceed any further. Considering the nature of the allegations, the antecedents and also considering the reasons for rejection of the earlier bail applications, I am not inclined to entertain the present application. No doubt, almost for 7 years the applicant is in jail. Now that the 2 Of 3

10.BA.25-20.doc trial has commenced and six witnesses have been examined, there is no manner of doubt that the trial Court will proceed with the trial expeditiously in view of the earlier directions issued by this Court. The trial Court obviously must have faced difficulties in proceeding with the trial due to the Covid-19 situation.

5. I am not inclined to entertain the present application. The application is accordingly rejected. Liberty to the applicant to apply after six months afresh if the trial does not proceed.

(M.S.KARNIK, J.) Digitally signed by DIKSHA DIKSHA DINESH RANE DINESH Date:

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