



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s)...../2024
Arising out of SLP(Criminal) No. 3494/2024

YOGESH NARAYAN RAUT

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel appearing for the appellant, learned counsel appearing for the State and learned senior counsel appearing for the first informant/respondent no.1. We have also heard the Public Prosecutor who is conducting the trial.

The appellant has undergone incarceration for a period of more than 10 years. Now, the learned counsel appearing for the State, on the basis of the instructions of the learned Public Prosecutor, states that the State wants to examine six more official witnesses. Considering the way trial has progressed and the fact that the High Court has kept on extending the time for disposal of the case, we find that now incarceration of the appellant cannot continue. As noted earlier, he has already undergone incarceration for more than 10 years.

Today, our attention is invited by the learned senior

counsel appearing for the respondent no.1 to what is recorded by the trial court during the cross examination of PW-21. The objectionable conduct of the advocate appointed by the appellant has been recorded by the learned Judge. There is no reason for us, at this stage, to disregard or disbelieve what the learned trial Judge has observed about the conduct of the advocate representing the appellant.

Though we are granting bail, we are making it very clear that the advocate appearing for the appellant has to fully cooperate with the Trial Court for early disposal of the case. The advocate will not create any hurdles in the way of early disposal of case and cooperate with the Trial Court. If the Trial Court wants to conduct the proceedings beyond the usual court hours, the advocate should not decline to work after the court hours. The learned counsel appearing for the appellant states that the said advocate is present in the Court today and he assures the Court to render all possible assistance to the Trial Court and that he will not adopt any dilatory tactics and will cooperate for early disposal of the case.

We direct that the appellant shall be produced before the Court within one week from today. The appellant shall be enlarged on bail till the disposal of the case on the appropriate terms and conditions imposed by the Trial Court.

The Public Prosecutor shall be heard before fixing the terms and conditions for grant of bail. The appeal is accordingly allowed. The impugned order is set aside.

It is made clear that if the appellant does not cooperate for early disposal of the case, it will be open for the respondent to apply this Court for cancellation of the bail.

.....J.
[ABHAY S. OKA]

.....J.
[UJJAL BHUYAN]

New Delhi.
April 19, 2024.

ITEM NO.10

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Special Leave to Appeal (Crl.) No(s). 3494/2024

(Arising out of impugned final judgment and order dated 23-06-2023 in BA No. 3706/2022 passed by the High Court Of Judicature at Bombay)

YOGESH NARAYAN RAUT

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

IA No. 52426/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 19-04-2024 The matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Rishi Malhotra, AOR

For Respondent(s) Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.
Ms. Yamini Singh, Adv.

Mr. Preshit Vilas Surshe, AOR

Ms. Sangita S., Spl. Public Prosecutor

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appellant shall be produced before the Court within one week from today. The appellant shall be enlarged on bail

till the disposal of the case on the appropriate terms and conditions imposed by the Trial Court.

The Public Prosecutor shall be heard before fixing the terms and conditions for grant of bail. The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(JATINDER KAUR)
P.S. to REGISTRAR

(AVGV RAMU)
COURT MASTER (NSH)

[Signed order is placed on the file]