

---

**(2021) 11 BOM CK 0026**

**In the Bombay High Court**

**Case No :** Bail Application (ST.) No.16423 Of 2021

Sunil Devakinandan Zavar

APPELLANT

Vs

State Of Maharashtra & Ors

RESPONDENT

---

**Date of Decision :** 06-11-2021

**Acts Referred:**

**Citation :** (2021) 11 BOM CK 0026

**Hon'ble Judges :** Surendra P. Tavade, J

**Bench :** Single Bench

**Advocate :** Aniket Nikam, Yash Prashant Sonawane, Ravindra K., Pravin P. Chavan

---

**Judgement**

Surendra P. Tavade, J

1. The applicant had moved the praecipe to hear his bail application during the vacation. Accordingly, on 03.11.2021 the application was listed for hearing. The prosecutor and IO were absent. Hence, the matter was kept on 05.11.2021.

2. On 05.11.2021 learned Spl.PP. Mr. Chavan appeared. He disputed service of summons. According to him, there was no proper service on him as well as Investigating Ofcer, but the matter was heard for some time. Learned counsel for the applicant submitted that if the prosecutor is not ready for fnal hearing, then he may be heard for interim relief. Accordingly, the arguments were heard, but those were not concluded. Therefore, as per the request of Spl.PP, the matter was listed today for hearing.

3. When the learned counsel for the applicant submitted his argument, he made it clear that he was advancing submissions for fnal hearing as there was suficient time for hearing. Accordingly, he submitted his arguments. Thereafter, Spl.PP. Mr. Chavan argued the matter for about 1 hour and 45 minutes. He also relied judgments of this Court as well as Apex Court. At the fag end of the argument, he submitted that he argued for the interim relief only. The said fact was objected by the learned counsel for the applicant and the objection has

substance.

4. It appears that the Spl.PP was well aware of that the submissions made by the learned counsel for the applicant for the final hearing of the application. The issue of interim bail was cropped up at the time of hearing on 05.11.2021, due to paucity of time. The matter was adjourned today with understanding that it would be heard finally, but in spite of that Spl. PP submitted that his arguments may be treated as interim relief only.

5. Learned Spl.PP has submitted that he wish to file affidavit of Investigating Officer in support of the prosecution case for which he requires time. On the other hand, learned counsel for the applicant has vehemently opposed the prayers of Spl.PP.

6. Be that as it may, though the Spl. PP. argued for about 1 hour and 45 minutes, he submits that the said arguments were for interim relief. It appears that the conduct of Spl. PP was not proper. He tried to delay the hearing of the application.

7. After hearing both the parties, this Court had assignment in Division Bench for hearing of urgent matter. The said matter was heard upto 4.50 p.m. Some time was required for preparation of order in that matter. Ultimately, at 5.15 p.m. the work of Division Bench was over. In view of the above fact, this Court has no sufficient time to pass detailed order on this application.

7. Therefore, this matter is treated as de-part-heard and be placed before the regular Court on 15.11.2021 for hearing.