

**SUPREME COURT OF INDIA**

Mahesh Kumar Bhawsinghka

Vs.

State of Delhi

(K. Thomas and M.B.Shah JJ.)

04.01.2000

**ORDER**

1. Leave granted.

2. The appellant is now facing prosecution along with another person for offences under Sections 120B, 468 and 477A of the Indian Penal Code besides some other offences. The amount alleged to have been embezzled would have crossed the staggering mark of one crore had it been added with one more lakh of rupees. We stated this to highlight the magnitude of the offence involved. Mr. D. D. Thakur learned senior counsel contended that the fact that appellant was in jail for a long time is very germane is granting bail for offence of this nature.

3. The motion for bail has been seriously opposed by the learned Additional Solicitor General and also learned Counsel for the aggrieved party-Company. We find some force in the contention of both sides and therefore we adopt a via media as follows :

The trial Court shall commence taking evidence in this case within one month from today (if not already started) after fixing a schedule of postings from day-to-day and complete the trial before the expiry of three months from today. If the trial is not completed on or before the expiry of three months from today, we direct the trial Judge to release the appellant on bail on his executing a bond with two solvent sureties to his satisfaction. But we make it clear that if the inability to complete the trial is attributable to the appellant, he will not get the benefit indicated above. With these observations and directions the appeal is disposed of.