

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.630 OF 2015**

**SADDAM HUSSAIN ZUBER AHMED SHAH )...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA )...RESPONDENT**

Mr.Shaikh Mohammed Sharif, Advocate for the Applicant.

Mr.Deepak Thakre, APP for the Respondent - State.

**CORAM : ABHAY M. THIPSAY, J.**

**DATE : 18<sup>th</sup> JUNE 2015.**

**P.C. :**

1            Heard Mr.Shaikh Mohammed Sharif, the learned  
counsel for the applicant. Heard Mr.Deepak Thakre, the learned  
APP for the State.

2           The applicant's previous application for bail was rejected by me (Bail Application No.661 of 2014 decided on 16<sup>th</sup> June 2014). It was observed at that time that the case of the applicant could not be treated on par with that of the co-accused, who had been released on bail. However, at that time, the trial was ordered to be expedited. Liberty was granted to the applicant to apply afresh for bail, in the event of the trial not concluding within a period of nine months from the receipt of the said order by the trial court.

3           Now the present application has been moved primarily on the ground that the applicant is in custody for a period of more than three years, and that, inspite of the direction to expedite the trial given by this court by the aforesaid order, the trial has not commenced.

4           It transpires that one witness has already been examined during the trial and the case is kept for recording of further evidence on 25<sup>th</sup> June 2015.

5           The learned APP submits that the applicant has some past record, in as much as, two cases, one of which is in respect of an offence punishable under Section 302 of the Indian Penal Code, are pending against the applicant.

6           The learned counsel for the applicant submits that this information supplied to the APP by the Investigating Officer may not be correct.

7           However, it has already been observed that there exists a *prima facie* case against the applicant. It is true that the applicant has remained in custody for a period of more than three years, but now since the trial has commenced, I am not inclined to release him bail, at this stage.

8           The application is rejected.

9           The trial court shall expedite the trial and ensure that it is completed by delivering a judgment within a period of four months from today.

10           The trial court shall report compliance to this court.

11           In the event of the trial court not being able to conclude the trial within a period of four months for some unforeseen or unavoidable reasons, the applicant shall be at liberty to make a fresh application for bail before the trial court itself.

In such a case, the trial court shall consider such application on merits and without being influenced in any manner by the rejection of this applicant's previous bail applications by this court.

**(ABHAY M. THIPSAY, J.)**