

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1950 OF 2014

Sharad @ Sherya Dyandeo @

Leenya Bhosale

.. Applicant

Versus

The State of Maharashtra

.. Respondent

WITH**CRIMINAL BAIL APPLICATION NO.1951 OF 2014**

Shivaji Takdir Shinde

.. Applicant

Versus

The State of Maharashtra

.. Respondent

None for the applicant in both the applications.

Mr.Deepak Thakre, APP for the Respondent State.

API N.B.Gaikwad from Shahapur Police Station present.

CORAM : ABHAY M. THIPSAY, J.**DATED : 20th JULY, 2015**

P.C. :

1 These two applications for bail received from prison, can be conveniently disposed of by this common order.

2 The applicants are the accused in Special Case No.1 of 2008 pending before the Special Judge under the MCOC Act at Thane. The applicant Sharad Bhosale is the accused no.1 in the

said case, and the applicant Shivaji Shinde is the accused no.21 in the said case. The applicant Sharad Bhosale is arrested on 27th August 2008 and the applicant Shivaji Shinde is arrested on 16th June 2008. There are totally 21 accused in the said case. Except the applicants, only one accused i.e. the accused no.20 is in custody. The other accused have been released on bail.

3 The report received from the learned Special Judge shows that the trial has not yet commenced.

4 The applicant Sharad Bhosale had earlier applied for bail (Bail Application No.135/13 decided on 9th May 2013). Though bail was not granted to him at that time, it was observed that long under-trial detention offends the provisions of Article 21 of the Constitution of India, and that the trial Court should expedite the trial and ensure that it should be completed on or before 25th September 2013. In spite of this, the trial has not yet even commenced.

5 In spite of the direction given by this Court in the aforesaid order dated 9th May 2013, the police authorities have not been ensuring production of the appellants before the Court on the dates as fixed by the trial court.

6 No part of the robbed property has been recovered from any of the applicants. A bamboo allegedly used while committing the offence, is said to have been recovered from the applicant Sharad Bhosale. Nothing has been recovered from the applicant Shivaji Shinde.

7 Considering all the relevant aspects of the matter, and more particularly, the period already spent by the applicants in custody as under-trials, and the fact that trial has not yet even commenced, I think it fit to release the applicants on bail.

8 The applicants are ordered to be released on bail in the sum of Rs.15,000/- each with one surety in like amount.

9 The trial court shall proceed with the trial expeditiously and endeavour to complete it within one year from today.

10 Applications are disposed of in the aforesaid terms.

(ABHAY M.THIPSAY, J)