

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION (ST) NO.1811 OF 2020

Shrinivas @ Shinu G. Pillay ... Applicant

V/s.

State of Maharashtra ... Respondent

Mr. Kuldeep Patil I/b. Mr. Siddheshwar Biradar, for the Applicant.

Ms. P.P. Shinde, APP for the Respondent - State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 21st DECEMBER 2020.

P.C. :

1. The applicant is in custody since 22nd July 2016 in Special Case No.1 of 2017. This is subsequently a third application filed before this Court seeking enlargement on bail. The application was rejected on 13th February 2018 and liberty was granted to the applicant to challenge the applicability of the provisions of MCOCA. The learned counsel for the applicant submits that the application seeking discharge was filed before the Special Court which was rejected on 19th July 2018. Being aggrieved by the said order, the applicant had filed Criminal Appeal No.1421 of 2018 which was rejected by the Division Bench (Coram : Indrajit Mahanty and A.M. Badar, JJ.). The Division

Bench has observed that the applicant herein i.e. Shrinivas @ Shinu along with the co-accused used to regularly collect money from the resident as well as the shopkeepers by wielding weapons and threatening them. Upon perusal of the charge sheet, the Hon'ble Division Bench had rejected the said appeal on 25th July 2019. The applicant had then filed Criminal Bail Application No.1320 of 2019 seeking enlargement of bail and this Court by order dated 16th September 2019 had directed the Special Court, Pune to frame the charges in Special Case No.1 of 2017 as expeditiously as possible and commence the recording of evidence within one month from the date of framing charge.

2. Being aggrieved by the said order, the applicant had filed Special Leave Petition before the Hon'ble the Apex Court and the same was dismissed vide order dated 14th November 2019.

3 In these circumstances, it would not be appropriate to consider the prayer for enlargement on bail on the ground that the trial is delayed. In fact, one or the other proceeding was pending before the High Court and the Supreme Court. Since March 2020, due to outbreak of pandemic, the trials could not proceed.

4 The learned counsel upon instructions submits that till today, the charge is not framed. There is huge pendency of trials before the Sessions Court, Pune. However, in any case, the learned Sessions Court shall frame charges before 31st March 2021 and as far as possible conclude the recording of evidence within one year from the date of framing of charges. Application is accordingly dismissed.

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signed by
Pallavi M.
Wargaonkar
Date:
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(SMT. SADHANA S. JADHAV, J)