

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

LD-VC-BA No.151 of 2020

Sheikh Sajjad Shaikh Aziz Vs. State Through Police Station Ballarshah Dist.
Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.A. Naik, Advocate for the applicant
Mr. S.S. Doifode, APP for the respondent - State

CORAM : MANISH PITALE, J.

DATED : JUNE 09, 2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This bail application has been filed by the applicant before this Court submitting that the proceedings before the Trial Court have not been proceeded in the manner expected in pursuance of order dated 11/02/2020, passed by this Court, whereby it had been directed that the trial be completed preferably within a period of three months from the date of order of this Court.

3. The learned counsel appearing for the applicant submitted that due to Covid-19 crises and the lockdown induced by the same, the schedule before the Trial Court has been disrupted and there is very little possibility of expeditious disposal of proceeding before the Trial Court.

4. Apart from this, it is pointed out by the learned counsel appearing for the applicant that even as per evidence of complainant already recorded before the Trial Court shows that the main allegation is against the accused No.1. The FIR in the present case was registered on 26/05/2018, against the applicant and other accused persons for having allegedly duped the complainant of an amount of Rs.15,00,000/- with false promise of appointment at Ordnance Factory at Chandrapur.

5. The learned APP has submitted that there is nothing on record to show that the proceedings before the Trial Court have been delayed in any manner due to any deficiency on the part of the prosecution. It is further submitted that some amount of the aforesaid Rs. 15,00,000/- allegedly given by the complainant was recovered from the applicant herein and that, therefore, his involvement was obvious.

6. Having considered the material on record and since there is slim possibility of the proceeding before the Trial Court being completed within a reasonable period of time due to the present Covid-19 problem, this Court is of the opinion that the applicant herein can be enlarged on bail by imposing appropriate conditions. The applicant at worst appears to have played a minor role in the aforesaid offences and, therefore, considering the present circumstances where the functioning of the Courts has been adversely affected, the present application deserves to be conditionally allowed.

7. In view of above, the application is allowed in the

following terms :

- (a) The applicant is directed to be released on bail on furnishing PR bond of Rs.25,000/- (Rs. Twenty Five Thousand) and surety in the like amount.
- (b) The applicant shall attend Police Station Ballarsha Dist. Chandrapur on first and fourth Monday of each month during pendency of the trial.
- (c) The applicant shall appear before the Trial Court on each and every date of the proceedings before the Trial Court.
- (d) The applicant shall not influence the witnesses in any manner.

8. Needless to say, violation of any of the aforesaid conditions shall make the applicant liable for cancellation of bail.

9. It is also made clear that the observations made in the present order are relevant only for the question of grant of bail to the applicant and that the Trial Court shall proceed on merits in the matter, without being influenced by such observations.

10. The application is disposed of.

11. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE