

Victor Chigozie Ezurike & Anr. .. Applicants

Versus

The State of Maharashtra .. Respondent

Mr.S.H.Yadav, APP for the State.

P.C:-

1. This is the second occasion when the applicants are seeking their release on bail being charge-sheeted for the offences punishable under Sections 419, 420, 468, 471, 201 read with Section 34 of the IPC and Sections 66(C) and 66(D) of the Information Technology Act alongwith Sections 5, 14, 14(a) of the Foreigners Act, 1946.
2. The two applicants are the foreign nationals and that is the reason of dismissal of their earlier bail application, on the apprehension expressed that there is a flight risk.
3. While rejecting the application on 20/03/2021, learned Additional Sessions Judge, Pune has recorded that seven

witnesses have already been examined and Nodal Officers and Bank Officer are the only witnesses, who remain to be examined, but on account of pandemic, the exercise could not be completed. It cannot be disputed that the applicants are incarcerated since long i.e. since 06/11/2016. The maximum punishment for the offence with which they are charged does not exceed 8 years, including the offence under the Foreigners Act. In such circumstances, it would be in the interest of justice that the learned JMFC, Pune before whom R.C.C.No.170 of 2017 is pending is requested to conclude the trial by examining the witnesses and preferably by following a day-to-day programme. If necessary, the Court is permitted to examine the witnesses by making use of technology. This is the only way to conclude the trial expeditiously. Merely the ground that pandemic has grabbed the whole nation can be no excuse for keeping the applicants incarcerated any more, awaiting their trial.

4. The learned JMFC, Pune is, therefore, requested to expeditiously examine the remaining witnesses and conclude the trial preferably before 31/12/2021. On failure to do so, the applicants are granted liberty to approach this Court seeking their enlargement on bail.

5. With the above directions, the application stands disposed of.

(SMT. BHARATI DANGRE, J.)