

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

CRIMINAL APPLICATION (BA) NO.1090 OF 2020

(Sk. Sattar s/o Sk. Mussa Vs. State of Maharashtra thr. Sr. Inspector of Police
(A.T.S.), Nagpur)

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

Court's or Judge's orders.

Mr. Nitesh Samundre, Advocate for Applicant.
Mr. Karimal, Advocate h/f Mr. P.K. Sathianathan, Special Public Prosecutor
for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 7th JULY, 2021.

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

2. The applicant, who is in custody since 18.11.2015 in connection with Crime 14/2015, which is investigated by the Anti Terrorism Squad (ATS), Nagpur, registered for offence punishable under Section 489B and 489C of the Indian Penal Code read with Section 15(1)(a) (iia), 16 and 18 of the Unlawful Activities (Prevention) Act, 1967 (UA(P) Act), is seeking bail.

3. Mr. Samundre would submit that while the earlier application is rejected by this Court on merit, despite the passage of more than five years, there does not appear to be possibility of an early culmination of the trial.

4. In rebuttal, Mr. Karimal who is holding for the learned Special Prosecutor Mr. Satyanathan would submit that the trial has commenced and several witnesses are examined.

5. Mr. Samundre did make an attempt to seriously argue that the very arrest and seizure of counterfeit notes is tainted. Mr. Samundre argues that as a fact the applicant accused was arrested from Arvi and was brought to Nagpur and the *panchnama* and other documents are doctored.

6. It would not be appropriate, particularly since the trial has commenced, to make any observation on the probative value of the material on record.

7. Notably, stringent conditions for consideration of bail are statutorily provided since the provisions of the (UA(P) Act) are invoked.

8. All the same, undue delay in trial is a serious encroachment of the constitutional right guaranteed under Article 21.

9. A golden balance will have to be struck.

10. The learned trial court is therefore, requested to complete the trial as expeditiously as possible and in any event within the next six months.

11. If there is no significant progress in the trial in the next four months, the applicant shall be entitled to renew the request for bail.

12. Subject to the aforesaid directions and observations, the application is disposed of.

JUDGE

NSN