

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1367 OF 2021

Subhash Sitaram Giri .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Ashok Kumar Dubey with Ms.Shweta Yadav i/b SAVJ Law Solutions for the Applicant.

Mr.Pradeep Gharat, Spl.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 02nd AUGUST, 2022

P.C:-

1. This is the third bail application filed by the applicant, who is facing a trial in Sessions Case No.830 of 2015 for the offences punishable under Sections 302, 307, 326, 365, 471, 424, 114 and 120-B of IPC and the relevant sections of the Maharashtra Prohibition Act alongwith Section 6 of the Poison Act, 1919.

The applicant was arrested on 31/07/2015 in a C.R., which came to be registered with Malwani Police Station on 18/06/2015.

Learned counsel for the applicant states that for last seven years, he is incarcerated and the trial may consume further more time, as 176 witnesses have been examined.

2. Learned Spl.P.P., who also represents the prosecution in the sessions trial, submits that 176 witnesses have been examined and 10 more witnesses are to be examined. He submits that in the wake of the pandemic, the trial was delayed, however, every efforts are being made to conclude the trial at the earliest. He expressed a difficulty in proceeding with the trial by submitting that there are some witnesses from outstation and summoning them and securing their attendance would consume some time.

3. Learned Spl.P.P. is made aware of the provision of video conferencing, so that on a day fixed by the Sessions Court, if the witness is unable to attend the Court, he shall be examined through video conferencing and that will curtail the postponement of the trial indefinitely.

4. The applicant is perfectly justified in submitting that speedy trial is his right and he cannot be kept incarcerated for indefinite period of time. Accepting the said proposition, since pending the trial, he has been deprived of his liberty, I am convinced to accept the submission of the learned Spl.P.P. to

the effect that since the trial is now at the fag end and only 10 witnesses have remained to be examined and when the applicant faces serious accusations, where 106 persons have died on account of consuming toxic liquor and 74 people have become incapacitated, on consuming poisonous methyl alcohol, the trial had a voluminous conspectus. However, since the learned Spl.P.P. states that every efforts shall be made to conclude the trial within a period of four months, a request is made to the Court of Sessions at Greater Mumbai, who is seized of Sessions Case No.830 of 2015 to arrange the schedule of the examination of the witnesses preferably on day-to-day basis and, thereafter, conduct the proceeding like recording of statement under Section 313 of Cr.P.C. by setting out a deadline.

Needless to state that the accused persons and their counsel shall also render their co-operation to the learned Judge in concluding the trial within a period of four months from today.

If the trial gets postponed on account of the attempt on part of the counsel for the accused persons, then it shall not be open for them to agitate about the trial being prolonged further.

5. With the aforesaid direction the application is disposed off. Liberty is reserved in the applicant to approach this Court, if the trial is not concluded within a stipulated period.

(SMT. BHARATI DANGRE, J.)