

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3379 OF 2021**

Sunil Babaso Dudhal .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

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Mr.Vikram V. Pai with Mr.Sandeep D. Rankhambe for the Applicant.

Mrs.Veera Shinde, A.P.P. for the State/Respondent.

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**CORAM: BHARATI DANGRE, J.
DATED : 18th APRIL, 2022**

P.C:-

1. The learned A.P.P. has instructions to make a statement that the charge in the special case is likely to be framed on 22/04/2022. She makes a statement, on instructions of the Special Public Prosecutor in the trial Court that, ten witnesses are likely to be examined, which at the most, can stretch the trial, upto a period of two months.

The learned A.P.P assuringly states that the trial will culminate within a shortest period of time, for another reason, being that the proceedings are now before the Special Court at Satara, whereas erstwhile the proceedings were conducted by the Special Court at Pune, where the pendency was huge and there was a little possibility of culmination of trial within a short span of time.

2. The learned counsel for the applicant has relied upon the latest decision of the Hon'ble Supreme Court in the case of *Ashim @ Asim Kumar Haranath Vs. National Investigation Agency (Cri.Appeal No.1525 of 2021 decided on 01/12/2021)* where their Lordships of the Hon'ble Supreme Court has specifically dealt with the provisions of UAP Act and the stringent conditions to be imposed while considering the application for bail under the said Act. It is expressed that the period consumed in trial and long incarceration as an under-trial prisoner, definitely is violative of the fundamental right of an accused and even the rejection of the bail application in the wake of the statutory restrictions came to be deprecated.

This Court is quite conscious of the said legal position. However, here is an accused who is charged under MCOCA and, particularly, Sections 3(1)(ii), 3(2) and 3(4), which may invite punishment upto life imprisonment.

3. Considering the statement of the learned A.P.P. that the trial will be culminated within a period of two months, by way of a grace period, I direct it to be concluded within three months. The learned Special Judge shall make every endeavour by specifically ensuring the presence of the accused in the Court for framing of charge and, thereafter by fixing the schedule of trial. The trial shall be culminated within a period of three months from the date of framing of the charge.

The applicant is granted liberty to file a fresh application on expiry of period of three months, if the trial is not culminated.

4. The learned A.P.P. shall communicate this order to the learned Special Court.
5. The application stands disposed off.

(SMT. BHARATI DANGRE, J.)