

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 1005 OF 2022**

Abdul Kadar Shaikh

.... Applicant

Versus

Union of India

.... Respondent

.....

Mr. Kushal Mor a/w. Mr. Apoorv Srivastava and Mr. Rishab Khot, Advocate for the Applicant.

Mr. Shreeram Shirsat, Special P.P. a/w. Mr. Shekhar Mane and Ms. Tanvi Mule for Respondent

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CORAM : SHIVKUMAR DIGE, J.**DATE : 18th OCTOBER, 2023.****P. C. :**

1. Heard learned Counsel for the Applicant and learned Special P.P. for Respondent.
2. Learned Special P.P. points out that after filing charge-sheet Applicant has not filed Bail Application before the Special Court. Instead of filing Application before the Special Court Applicant has directly filed Application before this Court which is not as per propriety. Hence, requested to pass appropriate order.
3. Learned Counsel for the Applicant submitted that Applicant has filed this Application in the year 2022 after filing application learned Special P.P.

has not taken any objection. This application is pending for almost two years. This matter was argued before the earlier benches at that time learned Special PP has not taken any objection regarding not filing application before the Special Court. If Applicant again files application before the trial Court it may take time to decide it. Applicant is behind bar more than two years. Hence, requested to hear his application.

4. Learned Special PP submitted that in Affidavit-in-Reply Respondent has taken the objection stating that Applicant has not filed application before the trial Court.

5. I have heard both the learned Counsel. Perused the record. It is the contention of learned Counsel for the Applicant that Respondent has not taken objection for not filing application before the trial Court. In Affidavit-in-Reply filed by Respondent, they have taken the objection for not filing application before the Special Court.

6. Applicant is behind bar more than two years. The present application is pending before this Court for almost one year and four months. Considering the peculiar facts, I pass following order:

- (i) Applicant is directed to file fresh Bail Application before the Special Court. After filing the said Application, Respondent shall file Affidavit-in-Reply within eight days. After filing reply of

Respondent, Trial Court is requested to dispose off
the said Bail Application within one month.

7. In view of the above, Application is disposed off.

(SHIVKUMAR DIGE, J.)

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