



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1066 OF 2023

Sunil Anil Liman

..Applicant.

v/s.

The State of Maharashtra

..Respondents

Ms. Sana Raees Khan a/w. Aditya Parmar for the Applicant.

Mr. A.A.Palkar, APP for the Respondent-State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 8th SEPTEMBER, 2023.**

P.C.

1. This is the second bail application filed by the aforesaid applicant who is facing trial in MCOC Spl. Case No. 14 of 2016, arising from Crime No. 284 of 2015 registered at Sahakar Nagar Police Station, Pune, for the offences punishable under Sections 201, 302, 323, 364 r/w. 34 of the Indian Penal Code and Section 3(1)(i), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

2. The aforesaid crime was registered pursuant to the first information report lodged by Sangita Pawar, the mother of the deceased Ashok Pawar. The first information report reveals that Akash, who was about 15 years of age, had left the house on 24.10.2015 at about 11.20 a.m. and that he had not returned home. The first informant had

therefore given a missing report. On 26.10.2015, at about 3.00 p.m. Salim Shaikh, friend of Akash had told the first informant that the co-accused nos.5 and 6 had threatened to kidnap and murder her son Akash. She, therefore, suspected that the said two persons had kidnapped her son with an intention of causing his death.

3. The previous bail application was dismissed on merits by order dated 31.08.2018. The subsequent application has been filed mainly on the ground of delay in the trial.

4. The records reveal that the applicant herein was arrested on 29.10.2015, chargesheet was filed on 6.4.2016 and the charge was framed on 28.5.2021. The case has been adjourned time and again for non production of the applicant-accused before the court. No steps were taken to examine the witnesses from the date of framing of charge. In fact the witness summons has been issued for the first time on 22.8.2023. As noted above, the applicant is in custody for almost 8 years without trial. It is stated that the prosecution intends examining total 23 witnesses. Considering the fact that till date, not a single witness has been examined, it is evident that the trial is not likely to conclude within a reasonable time. Suffice to say, prolonged incarceration infringes Article 21 of the Constitution of India.

5. Considering the above facts and circumstances, the application is

allowed on the following terms and conditions:

- (I) The applicant who is facing trial in MCOC Spl. Case No. 14 of 2016, arising from Crime No. 284 of 2015 is ordered to be released on bail on executing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount;
- (ii) The applicant shall appear before the Special court on each and every date of hearing unless exempted;
- (iii) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;
- (v) The Applicant shall keep the Investigating Officer informed of his permanent as well as temporary address, if any, and his contact details, and/or change of residence or mobile details from time to time.

(ANUJA PRABHUDESSAI, J.)