

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1598 OF 2023

Ramzan Ali Nabi Shaikh .. Applicant
Versus
The State of Maharashtra and anr .. Respondent
...

Mrs.Anjali Patil with Mallika Sharma for the applicant.
Ms.Ashvini A. Takalkar, APP for the State.
PSI Sameer Faniband from SBI CID

CORAM: BHARATI DANGRE, J.
DATED : 1st AUGUST, 2023

P.C:-

1 This is a third bail application; the first two being rejected on merits, since I categorically took note of the material contained in the charge-sheet.

It was specifically recorded that the services of the applicant, who was a contractor were engaged for construction of the building and one floor was added in such a manner that it virtually rubbed against the wall of the other house. The result was obvious that the building collapsed and caused death of 12 persons and 7 persons sustained serious injuries.

On both the occasions, I have supported my order with reasons and did not find favour with the argument advanced for securing the release of the applicant on bail on considering that the charge-sheet is filed under Section 304(2) of IPC and hold the present applicant responsible for causing death of 12

persons and resulting into injuries to 7 persons, when the building collapsed.

2 At this stage, Mrs. Patil would press into service the decision in case of *Satender Kumar Antil vs. CBI and ors (2021) 10 SCC 773* to submit that the speedy trial is right of an accused, and an accused is entitled to the benefit to release on bail in case if he has undergone half of the sentence. I appreciate the argument of Mrs. Patil, but since this offence is serious, and I have rejected the application on earlier two occasions. I am unable to take any other view than the one which has been taken by me on the earlier two occasions.

It is unfortunate that the CR Registered in the year 2021 and the applicant is behind the bar since 10/06/2021, the charge is not yet framed. It is informed that now the proceedings are listed before the City Civil and Additional Sessions Judge, Dindoshi under the caption 'for framing charge'. The concerned Court is directed that on that date, the charge shall be framed.

Let the Learned APP inform about the said order to the concern Court.

Application is rejected.

(SMT. BHARATI DANGRE, J.)