

Anand

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

BAIL APPLICATION NO. 3817 OF 2022

Subhash Sitaram Giri .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

BAIL APPLICATION NO. 352 OF 2023

Bharat Pralhadbhai Patel .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Sana Raees Khan a/w. Mr. Aditya Parmar, Advocate, for the Applicants

Mr. Pradip D. Gharat, Special Public Prosecutor a/w. Mr. S. V. Gavand, APP, for the Respondent - State

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 02.08.2023

P. C.

. The Applicant, who is facing the trial in Sessions Case No. 830 of 2015 pending on the file of the learned Additional Sessions Judge, City Civil Court, Greater Mumbai has filed this Application for bail under Section 439 of the Code of Criminal Procedure (for short 'Cr. P. C.') mainly on the ground of delay in conducting the trial. The said case arises from C. R. No. 71 of 2015 registered with DCB, CID for the

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offences punishable under Sections 302 & 307 of the Indian Penal Code.

2. Heard Ms Sana Khan, learned counsel appearing for the Applicants and Mr. Gharat, learned Special Public Prosecutor. I have perused the record and considered the submissions advanced by learned counsel for the respective parties.

3. The Applicant herein is facing the trial for the offences punishable under Sections 302 and 307 of the Indian Penal Code. It is the case of the prosecution that 106 persons have died and 75 are permanently disabled due to consumption of spurious liquor. It is stated that the Applicant is the supplier of methyl alcohol which has resulted in this tragedy. The record reveals that so far the prosecution has examined 209 witnesses and the investigating officer is in the witness box. A perusal of the roznama reveals that the prosecution is not solely responsible for the delay in the trial. The delay is also attributable to the Applicant/Co-accused. In such circumstances, the Application cannot be released on bail solely on the ground of delay.

4. Considering gravity of the offence and considering the conduct of the accused in delaying the trial, and the fact that he was absconding after registration of the crime, in my considered view, this would not be a case which would justify exercise the powers conferred under Section 439 of the Cr.P. C.

5. The record reveals that the matter is already made time bound by this Court by order dated 05.07.2023. Time to dispose of the matter was extended by a period of four months i. e. till 02.10.2023. Considering that the accused is in custody since long, the learned Sessions Judge is expected to complete the trial within the scheduled time without seeking further extension.

6. The Application stands dismissed.

(ANUJA

PRABHUDESSAI, J.)