

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 BAIL APPLICATION NO. 297 OF 2024

SHAIKH HUSSAIN SHAIKH ZILANI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sawant Eknath P.
APP for Respondents/State : Ms. M.L. Singit
...

CORAM : S. G. MEHARE, J.

DATE : 06th MARCH, 2024

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for respondent/State.
2. This is a subsequent bail application on the grounds of delay in trial.
3. The learned counsel for the applicant has produced the roznamas (order sheets) of the Court of Learned Additional Sessions Judge Gangakhed. He argued that there has been no progress in the trial, and in the last two and half years, no

charge has been framed. The co-accused are seeking exemptions from their appearance. The applicant is not at fault for delaying the trial. He is a young boy. Hence, he may be released on bail.

4. The learned APP has strongly opposed the application, contending that the applicant is the main accused. Police informed that the fake currency notes were circulated in Nizamabad. Police had doubts, and they wanted to make further investigation. She prays for rejection of the application.

5. The roznama reflects that many times the accused was not produced before the Court. Fortunately, the prosecution started proceedings against accused No. 1 through Video Conference. However, the remaining accused, who have been granted bail, remained absent. It further reveals that the exemption to the co-accused has been granted liberally without paying heed to the undertrial prisoner. The prosecution is supposed to take care of the undertrials, and priority should be given to their matters.

6. Roznama further shows that the prosecution is slow

in efforts to make effective progress in the trial. The charge could be framed on video conference. The technology appears not to be used to expedite the matters. The Court should not be lenient in granting exemptions to the co-accused on bail unless the reason is sound. The Court is not oblivious that Courts are burdened heavily with large numbers of matters. However, efforts should be reflected on the record. The roznama reflects that the accused/applicant prima facie is not at fault. He has been languishing in jail for more than two and a half years.

7. It seems that to oppose the application, the police searched for new ground. Therefore, the reason for opposing the application does not hold water.

8. The law on bail is developing. Keeping the person behind bar without progress in trial is curtailing his liberty. In this case, the applicant prima facie does not appear at fault. Therefore, in these peculiar circumstances, the Court is exercising its discretionary powers. Hence following order :

ORDER

- a) Applicant Shaikh Hussain Shaikh Zilani
be released on bail on his executing PB and SB,

in the sum of Rs. 50,000/- (Rs. Fifty Thousand Only), with one solvent surety in the like amount, on conditions that he shall not leave his place of residence without informing the concerned police Station.

b) He shall attend the trial on every date and cooperate with the prosecution.

c) Since this order has been passed under peculiar circumstances, it should not be used as a precedent.

(S. G. MEHARE)
JUDGE

mahajansb/