

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1671 OF 2023

Umesh Urfa Pandu Munib Gupta	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Amit Singh a/w Hitesh Pulwani (through VC) for the Applicant.
Ms.Mahalaxmi ganpati, APP for the State.
PSI Jagdish Gite, Hill Line Police Station, Ulhasnagar - 5 present.

CORAM : BHARATI DANGRE, J

DATE : 30th January, 2024.

P.C.

1] As directed earlier, the learned App has produced on record the report furnished by the Civil Judge J.D. & JMFC, Ulhasnagar, which records as under :

“ Seen the report filed by concerned clerk and verified the record and proceedings of RCC No.230/2021. The case is committed to Hon’ble Court of Sessions on 22.08.2022, but yet no record and proceedings are sent to Hon’ble Court of Sessions by the then concerned clerk.”

2] The aforesaid scenario cuts a sorry state of affairs, about how the criminal justice system in our country works.

Despite the case being committed to the Sessions Court, on 22.08.2022 i.e. more than a year, the record and proceedings are still lying with the JMFC, Ulhasnagar and are not forwarded to the Sessions Court and the blame for the same is put on the concerned clerk.

It was imperative for the Magistrate/the Court in charge to assure that the proceedings, which are committed to the Sessions Court, are forthwith transmitted.

The net result of the lapse is that the accused continue to remain incarcerated and the learned counsel for the Applicant is right in making the submission that he deserve to be released on bail.

3] As far as the merits of the matter are concerned, in the order passed on 29.01.2024, I have clearly noticed the accusations faced by the Applicant under Section 307 of the IPC and the fact that, the other two accused are already released on bail.

The Applicant is incarcerated for 4 years and with no progress in the trial, he cannot be directed to be further incarcerated and hence deserve his release on bail

In the result, following order is passed :

- (a) Bail Application is allowed.
- (b) Applicant – Umesh Urfa Pandu Munib Gupta shall be released on bail in connection with C.R.No.300/2020 registered with Hill-line Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) Upon release, the Applicant shall furnish his contact number and permanent residential addresses to the Investigating Officer and shall keep him updated in case of change in the same.

(d) The Applicant, as per his undertaking, on his release, shall reside in Ambernath area and shall not enter the area of Ulhasnagar.

He shall mark his presence on first Monday of every trimester between 5.00 p.m to 7.00 p.m. at Ambernath Police Station.

If there is failure to mark appearance, the Ambernath Police Station shall intimate Hill-line Police Station and then he shall be required to be arrested, by recalling the order.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade the witnesses from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(f) The Applicant shall regularly attend trial, on every date, unless he is exempted.

4] The observations made above are prima facie in nature and limited for the purpose of determination of the present Application and the learned Judge trying the Applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

[BHARATI DANGRE, J]