

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1644 OF 2024

Prakash Manohar Sharma .. Applicant
Versus
State of Maharashtra .. Respondent
...

Mr.Narayan Rokade a/w Abhijeet Pawar for the applicant.
Smt.Mahalakshmi Ganpathy, APP for State.

CORAM: BHARATI DANGRE, J.
DATED : 7th MAY, 2024

P.C:-

1 My attention is invited to an order passed in case of co-accused Vivekanand Sudhir Pise @ Vikcy, and Rahul Pandurangan Mandri (Bail Application No.1982 of 2023), where on considering all the possible grounds, which are sought to be canvassed before me, i.e. the ground of long incarceration, the right available under Section 436 A of CrPC and also the important circumstance that, the trial having been expedited, when it reached at the stage of recording of 313 statements, it being stayed, were taken into consideration and by recording that the accusations against the applicants are regarding the brutal and heinous manner, in which the offence is committed, killing 4 victims in a cold blooded manner, the application came to rejected.

2 I quite see the plight of a person, who is incarcerated since the year 2011, but he is one of the unfortunate victim of the circumstance, as after the trial was expedited and even when the Apex Court on a Transfer Petition had directed that the trial shall be

concluded within 3 months, the order being passed on 13/04/2023, the trial has been stayed, at the instance of the main accused by taking recourse to Section 10 of the MCOCA.

Though it is not open for me to express any opinion on the legality or otherwise of the order, the only expectation is, since the State has carried this order in a Revision, that it shall take some expeditious steps to get the proceedings decided by inviting attention of the court to the fact that there are 16 accused, other than the gang leader, who all are incarcerated since 2011.

It may be true that, they may face consequences of the final result of the trial, however, at present they definitely are entitled to avail their right of speedy trial, as long incarceration, pending the trial has been seriously frowned upon by the courts and also particularly, when now Section 436 A of CrPC has been recognized to be a statutory right of an accused.

3 Let the State take appropriate steps and resolve the malady of keeping the applicant further incarcerated only on the ground that the trial has now being stayed.

In order to ascertain, what steps have been taken by the State for getting the Revision Application decided expeditiously, list on 18/06/2024.

(SMT. BHARATI DANGRE, J.)