

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2867 OF 2024

IN

BAIL APPLICATION NO. 2511 OF 2022

Ghanshyam Giri

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Shahbaz Pathan a/w Mr. Hemant Sharma, for Applicant.
- Mr. Bapu V. Holambe Patil, APP for Respondent No.1.
- Mr. Ayaan Bhattacharya a/w Mr. Waqar Pathan, for Respondent No.2.

CORAM : MANISH PITALE, J.

DATE : 09th August, 2024.

P. C. :

1. This application is moved by a co-accused person seeking to expunge directions contained in paragraph No.17 of order dated 02.07.2024, whereby this Court when the bail application of applicant-accused Parveen Mohammed Bilal Khan, was allowed.

2. Paragraph No.17 of the said order reads as follows :

“17. The trial Court is directed to frame charge within six weeks from today and then take up the proceedings as expeditiously as possible.”

3. The learned counsel for the applicant submits that perhaps it was not brought to the notice of this Court that there are discharge applications filed by co-accused persons, including the applicant in the present application,

that are pending before the concerned Court. In that light, adhering to the timeline of six weeks for framing of charge, as directed in the above quoted paragraph, may not be possible. In any case, it is submitted that the said direction may have an effect on the co-accused persons, including the applicant before this Court and therefore, the said paragraph may be deleted.

4. This Court is of the opinion that pendency of the discharge applications moved by the co-accused persons is a relevant circumstance and therefore, the timeline indicated in the above quoted paragraph may be difficult for the concerned Court to adhere to. To that extent the contention raised on behalf of the applicant can be accepted.

5. Nonetheless, an appropriate direction can be issued with regard to the pending discharge applications, instead of specific directions contained in the above quoted paragraph.

6. It is often noted that the accused persons move applications after applications before the Trial Court, as a consequence of which, the trial proceedings are derailed and thereafter grounds are created for applying for bail on the ground that the trial is not proceeding and that speedy trial being a facet of Article 21 of the Constitution of India, ought to inure to the benefit of the co-accused persons.

7. In order to obviate any such situation in the present case, it would be appropriate that the Trial Court / concerned Court decides the discharge applications at the earliest, so that the matter can proceed further.

8. In view of the above paragraph No.17 contained in the order dated 02.07.2024, shall stand deleted and it shall be replaced as follows :

“17. The Trial Court is directed to hear and dispose of pending discharge applications within eight weeks from today.

9. The order dated 02.07.2024, shall stand modified accordingly and the modified order shall be uploaded on the website.

10. The application is disposed of.

(MANISH PITALE, J.)