

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.22 OF 2024

Jamesraj Aaronraj Kounder

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- None for Applicant.
- Ms. Shilpa K. Gajare – Dhumal, APP for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 04, 2025

P.C.:

- 1.** Heard Ms. Gajare – Dhumal, learned APP for Respondent.
- 2.** Applicant is incarcerated for past eight and half years. The First Information Report No.444 of 2016 and Sessions Case registered with Malad Police Station is 462 of 2016.
- 3.** Bail Application has been received through jail. It is stated in the Application out of the probable 32 witnesses only 6 witnesses have been examined by prosecution in the Trial Court. Learned APP shall take appropriate instructions and apprise the Court accordingly.
- 4.** Applicant is indicted in an offence under Section 302 of the IPC on the basis of circumstantial evidence as can be seen from the Application.
- 5.** When Application is called out, appointed Advocate is not present. It is duty of the appointed Advocate who are appointed

through the High Court Legal Services Committed to ensure that they bring it to the notice of the Court that such gross cases where under-trial Accused persons are in long incarceration should be taken up for hearing immediately by filing appropriate praecipe.

6. What this Court is witnessing is that many of the appointed Advocates who are appointed through the legal aid to represent and espouse the cause of Applicants / undertrial Accused persons, after they get appointed do not bother to take any steps. This is one of many such case which has come to the notice of this Court.

7. The present Application / Letter was received on 01.01.2024 through jail. Order of appointment of Advocate was passed on 07.03.2024. Thereafter the matter has not reached on any of the dates when it was listed for hearing before the Court, though Advocate was appointed in the interregnum. Merely because such matters do not see the light of the day or do not reach hearing does not mean that the appointed Advocate should remain static. It is the duty of an appointed Advocate who is fully reimbursed by the State for all work done by such an appointed Advocate to ensure that in gross cases of long incarceration atleast the Court is informed so that steps can be taken to pass appropriate orders. The appointed Advocate in the present case is directed to remain present on the next adjourned date.

8. Since Application is received through jail, learned APP

appearing in the matter is directed obtain a copy of the charge-sheet and place the same on record to enable the Court to consider the veracity of the statements made in the hand-written Application which has been received by the Court through jail. In fact it is the duty of the appointed Advocate to obtain the charge-sheet and complete the Court Record. This has not been done. Considering the long incarceration of Applicant as delineated hereinabove, list the Application on **08th April, 2025**. To be placed under the caption '**First on Board**' on '**Supplementary Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2025.04.05
11:40:24 +0530