

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.323 OF 2024

Mohammad Danish Anis Shaikh and Anr. .. Applicants

Versus

The State of Maharashtra .. Respondent

WITH
INTERIM APPLICATION NO.2846 OF 2024
IN
BAIL APPLICATION NO.323 OF 2024

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- Ms. Vaishali Sawant, Advocate for Applicant.
 - Mr. Balraj B. Kulkarni, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 04, 2025

P.C.:

1. Heard Mr. Sawant, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent.

2. Applicant is in prison since date of arrest on 23.05.2017 in offence punishable under Sections 302 and 34 of the Indian Penal Code, 1860.

3. The charge was framed on 17.01.2019. The previous Bail Application filed by the Applicant was allowed to be withdrawn by the Court but while doing so, this Court noted the basic facts in the case and gave a direction to the learned Sessions Court by making a request to the said Sessions Court to conclude the trial within a period of one year from the date of the said order under any contingency.

4. Further direction was given to make full endeavour to fix the trial on day-to-day basis considering that prosecution had informed the Court at that time that they were intending to examine 12 to 15 witnesses at that time. Liberty was given to Applicant to approach the Court and review the request for bail if trial was not concluded as directed by the Court. The said period has lapsed.

5. Learned Advocate for Applicant today on 04.04.2025 informs the Court that Application has been made by Investigating Officer for issuance of summons to some of the prosecution witnesses implying that the trial is still continuing. In view of the above, the Applicant has made out a case for bail. Order of this Court does not stand complied with despite the request made to the Sessions Court. Right to speedy trial is an essential fundamental right of an under-trial accused emanating from Article 21 of the Constitution of India. Hence in view of the long incarceration of Applicant pending trial, the present Application shall be heard and decided on the next adjourned date which shall be noted by Applicant. Learned Prosecutor is directed to remain present.

6. Stand over to **08th April, 2025**. To be placed under the caption '**First on Board**' on the '**Supplementary Board**'.