

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1939 OF 2024

Sumeet Verma

Applicant /
.. Accused No.3

Versus

The State of Maharashtra

.. Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 307 OF 2025

Sayed Raza Naqvi

Applicant /
.. Accused No.1

Versus

The State of Maharashtra

.. Respondent

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- Mr. Abhishek Jha, Advocate i/by Jha Legal Associates for Applicant in BA No.1939 of 2024.
- Mr. Sherali S. Khan, Advocate for Applicant in BA No.307 of 2025.
- Ms. Megha S. Bajoria, APP for Respondent – State in BA No.1939 of 2024.
- Mr. Dinesh J. Haldankar, APP for Respondent – State in BA No.307 of 2025.
- Mr. Rupesh Darekar, API – Economic Offence Wing, Mumbai present.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 04, 2025.

P.C.:

1. Heard Mr. Jha, learned Advocate for Applicant in BA No.1939 of 2024; Mr. Khan, learned Advocate for Applicant in BA No.307 of 2025; Ms. Bajoria, learned APP for Respondent – State in BA No.1939 of 2024 and Mr. Haldankar, learned APP for Respondent – State in BA No.307 of 2025.

2. Both the Bail Applications on *prima facie* consideration with respect to the previous Bail Applications are disposed of after hearing learned Advocates.

3. Mr. Jha and Mr. Khan, learned Advocates for twin Applicants before me would persuade me to consider their long incarceration of 32 months since the date of their arrest and would submit that this Court be pleased to hear the Applications on merits.

4. However after hearing the preliminary objections raised by the prosecution side i.e. by the learned APPs namely Ms. Bajoria and Mr. Haldankar, it is seen that trial in the present case before the Trial Court is almost been culminated. Prosecution has examined 23 witnesses till date as per Applicants' Advocates though according to instructions given to the learned APP it is 21 witnesses.

5. Mr. Jha has placed before me the roznama before the Trial Court from 01.04.2024 to till date. He would persuade me to consider the directions given in the order dated 07.01.2024 while disposing the previous Bail Application of the Applicant in Bail Application No.1939 of 2024. Copy of the the said order is appended at page No.262 of Bail Application No.1939 of 2024 and he would submit that Applicant was given liberty to apply after six months or after the material witnesses were examined, whichever would be earlier. In that context, he would submit that according to the Applicant since material witnesses were

examined before April 2024, Applicant filed the present Bail Application on 29.04.2024.

6. The trajectory of the trial before the Trial Court is such that when the previous order passed 13 witnesses were examined. As on date, 23 witnesses are examined by the prosecution and I am informed that the prosecution would be examining 3 more witnesses only.

7. Mr. Jha draws my attention to the roznama and would submit that in the roznama dated 07.01.2025 the Trial Court was directed the Investigation Officer to produce all 3 remaining witnesses after issuance of summons. He would submit that considering the hearing of the matter before the Trial Court every day's delay is hurting the Applicants who are in judicial custody as under-trial / accused.

8. In view of the above position and considering that the trial is almost complete, I have impressed upon the learned Advocates to allow the trial to be completed or in the alternative take instructions to press the Bail Applications. They would persuade me after taking instructions that if this Court passes appropriate directions considering the long incarceration of the Applicants they would abide by the orders of the Court. It is seen that Applicants are in incarceration since the last 32 months. Offences in the present Applications are economic offences.

9. Today Investigating Officer of the EOW is present in Court. He is the present current 5th Investigating Officer handling the matter. Prosecution shall take efforts that its 3 remaining witnesses are produced in the Trial Court on the next adjourned date and the case is taken to its logical end in accordance with law and witness action of the 3 remaining witnesses is completed within a period of 13 weeks from today.

10. I am informed by the learned Advocates and APPs that Applicants have filed Applications for transfer of their trial / case which is pending before the Chief Metropolitan Magistrate. The concerned Chief Metropolitan Magistrate is directed by this Court to determine that / those Applications immediately and pass a reasoned speaking order thereon within a period of one week from today positively.

11. Chief Metropolitan Magistrate shall act on a server copy of this order which shall be placed before him by the Advocates for Applicants tomorrow itself after giving due notice to the learned prosecutor appearing in the Trial Court so that it will enable the said Chief Metropolitan Magistrate to fix the hearing of the Application immediately for a decision thereon according to his convenience.

12. Needless to state that this Court has not opined on any merits of the matter and the trial shall proceed strictly in accordance

with law.

13. It is clarified that the aforesaid time limit of 13 weeks shall be the outer limit which shall be adhered to in view of the substantive opposition voiced by Mr. Jha and Mr. Khan which shall be kept in mind for completing the witness action before the Trial Court as directed. Once witness action is completed, the case be finally decided on its own merits strictly in accordance with law.

14. With the above directions, both Bail Applications are disposed.

[MILIND N. JADHAV, J.]

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