

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2017 OF 2024

Ezobiyalo Ugochukwu Sunday

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Gorakh Hanumant Liman, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 27, 2025

P.C.:

1. Heard Mr. Liman, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent.

2. Applicant is a foreign national. He is incarcerated in jail pursuant to his arrest on 18.12.2021 of the past more than 3 years 3 months and 9 days pending trial.

3. Mr. Liman draws my attention to the order dated 02.09.2024. He would submit that when this Bail Application was listed before this Court, this Court recorded the contentions of the Applicant and gave certain directions. One of the direction pertains to the Applicant requiring to file an additional affidavit giving certain information as stated in that order.

4. Mr. Liman today would contend that the time for filing the Affidavit as granted by the Court has expired and Affidavit has not

been filed till date. He would contend that he has answers to the information sought for by the Court in that order, but desires to argue his case orally across the bar.

5. The Court is not interested in hearing the Applicant's Advocate orally on any of the grounds for which he was directed by the Court to file the Affidavit. Further if the Applicant does not have the desired information or if Applicant is having inadequate information he should categorically state so on Affidavit to enable the Court to consider his case as directed by the Court. Since Applicant was in jail, the Affidavit could not be filed.

6. By taking a stand that Advocate for Applicant desires to only argue across the bar will not be considered by the Court once the Court has applied its mind, given substantial reasons and only thereafter directed the Applicant to file the Affidavit as per the previous order. Hence, at the request of the learned Advocate for Applicant, the time to file Affidavit is extended by a further period of two weeks from today.

7. Considering his long incarceration pending trial this Court is inclined to hear the present Applicant and decide the same on the next adjourned date.

8. Stand over to **09th April, 2025.** To be placed under the caption '**First on Board**' on the '**Supplementary Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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HANUMANT
SAWANT

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by HARSHADA
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2025.03.28
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