

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2418 OF 2024

Tariq Abdul Karim Merchant @ Tariq Praveen .. Applicant

Versus

The State .. Respondent

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- Mr. Milan Desai a/w. Mr. Ravi Divedi and Mr. Waqar Pathan, Advocates for Applicant.
- Mr. Hitendra J. Dedhia, APP for Respondent.
- API – Dhotre, DCB, CID, Cell, Mumbai.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2025

P.C.:

1. Heard Mr. Desai, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short '**Cr.P.C.**') seeking Bail in connection with C.R. No.39 of 2020 registered with DCB, CID, Mumbai for offences punishable under Sections Sections 386, 387 and 34 of Indian Penal Code, 1860 (for short '**IPC**') and Sections 3(1)(ii), 3(2) and 3(4) of Maharashtra Control of Organised Crimes Act, 1999 (for short '**MCOC Act**').

3. Mr. Dedhia, learned APP has taken instructions with respect to culmination of trial which is presently underway and almost at its end. The issue was argued on the last occasion when Mr. Desai made

a point that Applicant has a good case on grant of sanction. However, considering the length of trial, specific directions were given by Court to be obtained regarding the exact status of trial.

4. Mr. Dedhia would submit that only 5 witnesses are remained to be examined who are police officers. He would submit that he has taken instructions from the Special Public Prosecutor appearing for Prosecution before the Trial Court and all endeavour and efforts shall be made to complete the witness action as early as possible for ending of trial.

5. Ms. Desai in reply would submit that there would not be end of trial and thereafter there would be recording of statement under Section 313 of Cr.P.C. and only thereafter the final hearing will commence. The long incarceration as argued by Mr. Desai has been appreciated by the Court but in each and every case, the length of incarceration does not appeal to the Court especially when the trial is to be completed. This is a case under MCOC Act. Though Mr. Desai would contend that Applicant is indicted under MCOC Act but Applicant's role in the crime in question is such that MCOC would not applicable, that would be left best to the Trial Court to determine.

6. Mr. Desai would request to keep the Bail Application pending solely considering long incarceration of Applicant because he would like to persuade the Court later to allow the Application so that

Applicant would be in a better position to defend his case before the Trial Court. Undoubtedly request made by Mr. Desai on the face of record is found appropriate considering the long incarceration of Applicant for more than 5 years.

7. It is directed that prosecution shall endeavor and make every effort to ensure that witness action is completed and Trial Court shall not give unnecessary adjournments unless it are absolutely necessary due to any exigency. Trial Court shall make every endeavour to complete the trial as early as possible. Copy of this order shall be placed before the Trial Court for information tomorrow at 10:30 a.m. by Advocate for Applicant.

8. Stand over to **05th May, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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