

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

CRIMINAL BAIL APPLICATION NO.2587 OF 2024

Basu @ Bacchu Dhumsing Bhuriya

...Applicant

V/s.

The State of Maharashtra

...Respondent

Ms.Carina Sharon Xavier (Appointed Advocate) a/w Mr.Raj Ambekar and Mr.Abdul Kader Patel:-	Advocates for Applicant.
Mr.H.J.Dedhia:-	APP for Respondent – State.
Mr.Vinay More : PSI:-	Boisar Police Station – Palghar.

CORAM : S. M. MODAK, J.

DATE : 12th DECEMBER 2025

P. C. :-

1. Heard learned appointed Advocate for Applicant and learned APP.
2. The Accused is facing trial for the offences under Sections 396, 397, 75 of the Indian Penal Code, 1860 (“IPC”), under Sections 3(1)(i),(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (“MCOC Act”) and under Sections 3 read with 25(c) of the Arms Act, 1959 in an offence bearing No.24 of 2010 registered at Boisar Police Station on 17th February 2010. In fact, as per the submission of learned

APP, some of the Accused are convicted by the Special Court on 7th June 2023 and their Appeal is pending in this Court and record is also sent to this Court.

3. The Bail Application is filed through jail on the ground of violation of fundamental right to speedy trial. Though this Applicant was arrested in the year 2010, he escaped from the custody for which there is separate offence and he came to be arrested on 2nd September 2021 and since then, he is in jail. He is also facing trial for other offences.

4. Considering the submissions and record, I do not think that case for bail is made out. There is also Affidavit filed on behalf of the prosecution. I have read it. At the same time, the right of Accused to speedy trial needs to be recognized. My attention is invited to an order dated 2nd March 2023 passed in Bail Application No.4150 of 2021 filed by co-accused Bapusing Singod. A direction was given thereby time fixed for conduct of the trial was extended. In this case, similar direction can be given. There is hurdle about availability of the record. If this submission is to be accepted, certain observations are required to be made. Either the trial Court or the prosecution are at liberty to request the Division Bench who is seized of the Appeal of the co-accused to send the record to the trial Court.

5. In view of that, following order is passed:-

ORDER

- (i) Bail Application is rejected.
 - (ii) The trial is expedited and to be finished as early as possible.
 - (iii) The trial Court i.e. the Court of the Special Judge–MCO–Thane is directed to make a request to the High Court who is seized of the Criminal Appeal filed by the convicted Accused to send the record to him for the purpose of conducting trial of this Applicant – Basu @ Bacchu Dhumsing Bhuriya.
 - (iv) Even the prosecution is at liberty to move the Division Bench for sending the record to the trial Court.
 - (v) Needless to mention that the Division Bench is certainly authorized to take a decision as per the merits.
6. With these observations, **the Bail Application is disposed of.**
7. Learned Appointed Advocate be paid fees as per the Rules.

[S. M. MODAK, J.]