

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5302 OF 2024

Nwachiyaso Israel @ Sam S/o. Nwachukwu .. Applicant

Versus

Union of India & Anr. .. Respondents

.....

- Ms. Mallika Sharma i/by Mr. Ayaz Khan for Applicant
- None for Union of India
- Ms. Mahalakshmi Ganapathy, APP for Respondent No. 2 - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 19, 2025

P. C.:

1. Mentioned at the time of rising.
2. Heard Ms. Sharma, learned Advocate for Applicant and Ms. Ganapathy, learned APP for State.
3. Applicant is in custody for 3 years and 7 months. Ms. Sharma would submit that despite the order passed by this Court on 06.02.2025 (Coram : N.J. Jamdar, J.), Respondent No. 1 - Union of India has not filed their affidavit in reply as directed in that order. By order dated 12.03.2025, this Court had passed an order extending that time but still affidavit in reply is not filed.
4. *Prima facie* it is seen that Applicant is a foreign national. The attitude of the Union of India in treating the orders passed by this Court is deprecated by the Court. Time and again this Court has

observed that there is dereliction on the part of Union of India. Present Application is mentioned before me at the time of rising because it has not reached hearing. Therefore I am giving an opportunity to Union of India. That apart it is seen that Ms. Pai appears in the matter for Union of India who regularly appears as an Advocate and Counsel in this Court. On the last date, she had sought time to file affidavit in reply. She is again directed to file reply on or before the next date.

5. Copy of this order shall be served on Union of India by learned Advocate for Applicant. Union of India is directed to ensure that affidavit in reply be filed before the next adjourned date failing which this Court shall hear and decide the present Application in accordance with law.

6. Stand over to **26th March, 2025**. To be placed under the caption "**First on Board**".

[MILIND N. JADHAV, J.]

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by RAVINDRA
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