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**THE TIMES OF INDIA**

# HC grants bail to 2 murder accused amid trial delays

Feb 26, 2024, 08:27 AM IST



Mumbai: Bombay High Court has granted bail to two men accused of murder, citing the principle of liberty and the right to speedy trial. In one case, the accused was in custody for four years without charges being framed, and in the other, trial delays had continued despite court orders.

In the first case, HC observed that bail cannot be denied to a murder accused where charges have not been framed even four years on and directed that continued incarceration of the accused was unnecessary. The 2019 murder case was registered with Sakinaka police station. In the other order, on an Ambarnath murder case where witness summons were issued by the trial

court seven years after the crime was registered and arrest made, HC granted the accused bail. Both orders, by Justice Bharati Dangre, invoked Supreme Court directives on liberty and principles of bail.

In the Sakinaka case, Justice Dangre noted on Feb 6 that she had in July 2022 rejected the bail plea of the accused, Imamuddin Khan, on case merits following his surrender and a bullet being found in his revolver. Khan approached Supreme Court, which granted him liberty to apply for bail afresh in case of change of circumstances or reasonable time. On Jan 3 he filed a second bail plea and through advocates Abhinav Chandrachud and Prem Pandey argued that despite being in jail for four years after his May 2019 arrest, the trial court was yet to frame charges.



Chandrachud said SC as well as HC have reiterated the right to speedy trial as a facet of right to life. Agreeing, Justice Dangre said the law was well settled on long incarceration of accused awaiting trial, whatsoever may be the accusation. "In the murder case, investigation is over, chargesheet filed and further incarceration is unnecessary," said HC, releasing Khan on Rs 25,000 bail with several conditions and the direction that any contact with witnesses would enable prosecution to seek cancellation of bail.

In the Ambernath rape and murder case, HC said it was only on its insistence that the trial court framed charges. Prashant Pandey and Dinesh Jadhvani, advocates for the accused, said that in Sept 2022 HC had directed the trial court to complete trial within a year, but though 61 prosecution witnesses are cited, not a single one has been examined. Prosecutor Mahalaxmi Ganpati vehemently opposed bail on merits. But Justice Dangre noted that SC and HC have consistently held that "liberty of an individual is of utmost importance" and an enshrined fundamental right. "Awaiting trial, the applicant cannot be incarcerated indefinitely, despite that he faces a charge of serious offence. Ultimately, he will face the consequences, on culmination of the trial," said HC in its order of Feb 22, granting the accused bail on a bond of Rs 25,000.

