

DSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

LD/VC/OCR/24/2020
(CR.WRIT PETITION NO. OF 2020)

Humayun Suleman Merchant .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr.Vikram Chaudhari, Sr. Advocate a/w. Mr. Sujay Kantawala a/w. Mr Sajal Yadav a/w. Mr. Sartaz Gill i/b. S.K. Saxena for the Petitioner.

Mr. Deepak Thakare, PP @ Ms Prajakta Shinde, APP for the Respondent – State.

Ms.Purnima Kantharia, GP/APP for respondent nos.2 and 3.

CORAM: DIPANKAR DATTA, CJ. &
S. S. SHINDE, J.
MAY 19, 2020.

P.C.:

1. The petitioner is a septuagenarian, presently in custody for alleged commission of offence under the Prevention of Money Laundering Act (hereafter the PLMA Act). By instituting this writ petition, the petitioner has challenged the decision dated 25th March 2020 taken by the High Powered Committee, constituted in deference to an order of the Hon'ble Supreme Court dated 23rd March 2020, insofar as it excludes under-trial prisoners booked for serious economic offences, bank scams and offences under special enactments like the PMLA Act which, according to the High Powered Committee, provides for additional restrictions on grant of bail in

addition to those under the Code of Criminal Procedure. The other prayer of the petitioner is for grant of interim/temporary bail.

2. Confronted with the position that two applications for regular bail at the instance of the petitioner are pending before this Court as well as the Sessions Court, Mr.Chaudhari, learned Senior Advocate for the petitioner, has not seriously pressed the aforesaid prayers. He has, however, urged that we ought to clarify, having regard to the apprehension in the mind of the petitioner, that the observations contained in the decision of the High Powered Committee, referred to above, might deflect the course of justice while the application for regular bail of the petitioner is taken up for consideration.

3. We have no doubt in our mind that an administrative decision of the nature taken by the High Powered Committee for a specific purpose, i.e., to ensure decongestion in the Correctional Homes as a result of outbreak of the pandemic, can hardly be seen to have any debilitating effect on a judicial forum when it is approached by an accused under arrest to consider his prayer for bail on settled parameters. Needless to observe, despite the High Powered Committee by its decision not having conferred any benefit on him, the petitioner's application for bail as of necessity has to be considered on its own merits without being influenced thereby.

4. With the aforesaid observation, this writ petition stands dismissed.

5. Since two applications for bail are pending at the instance of the

petitioner, one before the Sessions Court and the other before this Court, Mr. Chaudhari's statement that the application before the Sessions Court would not be pressed is recorded. If at all a prayer is made by the petitioner for expeditious consideration of his application for regular bail pending before this Court, the Registry shall take appropriate steps.

6. This order will be digitally signed by the Sr. Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

S. S. SHINDE, J.

CHIEF JUSTICE

This order is corrected as per speaking to minutes of order dated 22-05-2020.