

Anil Vasantrao Deshmukh vs The State Of Maharashtra on 26 September, 2022

Bench: D.Y. Chandrachud, Hima Kohli

SLPR D.28841/2022

1

ITEM NO.62

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.28841/2022

(Arising out of impugned final judgment and order dated 14-03-2022
in PMLASC No.1089/2021 05-09-2022 in CRLBA No.1021/2022 passed by
the High Court of Judicature at Bombay)

ANIL VASANTRAO DESHMUKH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(With I.R. and IA No.141236/2022-CONDONATION OF DELAY IN FILING and
IA No.141238/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.141242/2022-EXEMPTION FROM FILING O.T.)

Date : 26-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Kapil Sibal, Sr. Adv.
Mr. Vikram Chaudhuri, Sr. Adv.
Ms. Aparna Bhat, AOR
Mr. Adit Subramaniam Pujari, Adv.
Ms. Karishma Maria, Adv.
Ms. Aparajita Jamwal, Adv.
Ms. Manisha Singh, Adv.
Ms. Prabhneer Swani, Adv.
Ms. Arveen Sekhon, Adv.

For Respondent(s)

Signature Not Verified

Digitally signed by
CHETAN KUMAR
Date: 2022.09.27
09:49:32 IST
Reason:
SLPR D.28841/2022

Mr. Tushar Mehta, SG
Mr. Siddharth Dharmadhikari, Adv.

2

Mr. Aaditya A. Pande, Adv.
Mr. Bharat Bagla, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 Delay condoned.
- 2 A Single Judge of the High Court of Judicature at Bombay has recused from

hearing the application for bail on 5 September 2022.

3 Mr Kapil Sibal, senior counsel appearing on behalf of the petitioner has placed on the record the chronology of proceedings in Criminal Bail Application No 1021 of 2022 before the Bombay High Court. The chronology is extracted below as tendered before this Court:

DATE	PARTICULARS
21.03.2022	Criminal Bail Application No. 1021 of 2022 was filed o

the Petitioner before the Hon'ble Bombay High Court with prayer for regular bail and prayer for interim bail.

25.03.2022 Case came up for hearing for the first time. On the said date, the ED sought time to file an affidavit-in-reply and one week was granted to the Enforcement Directorate for the same. The matter was stood over to 08.04.2022.

08.04.2022 Case was stood over to 22.04.2022.

22.04.2022 Due to paucity of time, case was stood over to 25.04.2022. This was inspite of the facts that Precipes were circulated in the morning that the matter be taken up on priority on account of the age and ailments of the Petitioner as also on account of his long incarceration.

25.04.2022 Due to paucity of time, case was stood over to 26.04.2022.

26.04.2022 Due to paucity of time, case was stood over to 27.04.2022.

May 2021 SLP (Crl.) No. 4440-4443 of 2022 was filed by the Petitioner against the repeated adjournments in Criminal Bail Application No. 1021 of 2022.

31.05.2022 SC directed expeditious disposal of Criminal Bail Application No. 1021 of 2022.

09.06.2022 An order was passed directing that the case not be listed before a Bench comprising Hon'ble Smt. Justice Bharati Dangre.

01.07.2022 The case was directed to be listed on hearing for 05.07.2022 in view of order dated 31.05.2022 passed by this Hon'ble Court in the present matter.

05.07.2022 Case stood over to 11.07.2022.

11.07.2022 Arguments commenced and were heard for about 2-3 hours.

Case stood over to 19.07.2022.

19.07.2022 Despite the fact that the case was heard at length and the Petitioner had concluded his arguments, case was listed before a new bench of Hon'ble Mr. Justice P.K. Chavan and was adjourned to 28.07.2022.

28.07.2022 Arguments were partly heard and the case was stood over to 29.07.2022.

29.07.2022 The Ld. ASG appearing for the ED submitted that he has a personal difficulty in the week commencing from 01.08.2022 and submitted that he would make further arguments on 10.08.2022. In light of the submission, the matter was directed to be listed on 10.08.2022. A prayer was made to release the Petitioner on interim bail but the same was not entertained.

10.08.2022 The matter was mentioned before the Hon'ble Court. The Ld. Counsel appearing for the Ld. ASG submitted that the Ld. ASG is not keeping well and as such, the matter be adjourned for a week. The Ld. Counsel for the Petitioner / Applicant herein submitted that the matter is part heard and has been expedited by this Hon'ble Court's order dated 31.05.2022. The Hon'ble High Court considered the submissions and directed that the matter be listed on 19.08.2022 as part heard.

18.08.2022 A notification was published on the Hon'ble High Court's website stating that the single judge bench presided over by Hon'ble Mr. Justice P. K. Chavan will not be available for judicial work. Urgent matters were to be allowed before Hon'ble Smt. Justice Bharati Dangre. However, in the case of the Petitioner, the said judge had already recused on 09.06.2021.

05.09.2022 Hon'ble Mr. Justice Prithviraj K. Chavan before whom the matter was part-heard recused himself from the case and directed the Registry to take necessary steps in view of order dated 31.05.2022 for expeditious hearing.

4 The application for bail is pending before the High Court since 21 March 2022.

5 From the chronology it would appear that the counsel for the petitioner had addressed the court on two occasions and concluded the arguments by 19 July 2022. The least that every person who files an application for bail should legitimately expect is that the application should be disposed of at an early date. Keeping an application for bail pending for eight months, is, in our view, not consistent with the basic precepts governing the right to life and personal liberty under Article 21 of the Constitution of India.

6 The Court has been apprised that the case has now been assigned to Hon'ble Mr Justice N J Jamadar. We permit the petitioner to apply before the learned Judge to whom the hearing of the application for bail has been assigned tomorrow (27.09.2022). The application for bail shall be taken up with all reasonable dispatch during the course of this week and shall be disposed of expeditiously.

7 An order was passed to a similar effect by this Court on 31 May 2022. We find that the order has remained to be implemented. We expect that this time, the order of the Court shall be duly attended to by taking a decision with all reasonable dispatch. However, we clarify that we have not had any occasion to express any view on the merits of the bail application.

8 The Special Leave Petitions are disposed of.

9 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar