

Sangram Sadashiv Suryavanshi

v.

The State of Maharashtra

(Criminal Appeal No(s). 4758 of 2024)

25 November 2024

[Abhay S. Oka* and Augustine George Masih, JJ.]

Issue for Consideration

Whether appellant deserved to be enlarged on bail; whether it is appropriate for High Court to fix a time bound schedule for conclusion of trials.

Headnotes[†]

Bail – Allegation against appellant for commission of offences punishable u/ss.489A, 489B and 489C r/w. s.34 – Appellant incarcerated for two and a half years – Whether appellant deserved to be enlarged on bail:

Held: Six counterfeit currency notes of Rs.500/- each are subject matter of the offence – The appellant has been incarcerated for two and a half years – The counter affidavit filed by the State shows that there are no antecedents – The trial is not likely to conclude in a reasonable time – Therefore, in the facts of the case, the appellant deserves to be enlarged on bail following the well settled rule that bail is rule and jail is an exception – Appellant directed to be produced before the trial Court – The Trial Court shall enlarge the appellant on bail till the conclusion of the trial on appropriate terms and conditions, including the condition of regularly and punctually attending the Trial Court and cooperating with the Trial Court for expeditious conclusion of the case. [Paras 4, 5]

Trial – Fixation of time bound schedule for trial by the High Court – Propriety:

Held: Such directions adversely affect the functioning of the Trial Courts as in many Trial Courts, there may be older cases of the same category pending – Every court has criminal cases pending which require expeditious disposal for several reasons, such as the requirement of the penal statutes, long incarceration, age of the accused, etc. – Only because someone files a case in Constitutional

* Author

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Courts, he cannot get out of turn hearing – Such orders are difficult to implement – Such orders give a false hope to the litigants – If in a given case, in law and on facts, an accused is entitled to bail on the ground of long incarceration without the trial making any progress, the Court must grant bail – Option of expediting trial is not the solution – It is settled that the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts – A direction which can be issued in exceptional circumstances is being routinely issued by High Courts without noticing the law laid down by the Constitution Bench. [Paras 6, 7, 8]

Case Law Cited

High Court Bar Association, Allahabad v. State of Uttar Pradesh & Ors. [\[2024\] 2 SCR 946](#) : (2024) 6 SCC 267 – followed.

List of Keywords

Bail; Time-bound schedule for trial; Conclusion of trials; Expediting trial; Incarceration; Bail is rule jail is exception.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 4758 of 2024

From the Judgment and Order dated 06.08.2024 of the High Court of Judicature at Bombay in CRLBA No. 1821 of 2024

Appearances for Parties

Kunal Cheema, Raghav Deshpande, Advs. for the Appellant.

Ms. Preet S. Phanse, Siddharth Dharmadhikari, Aaditya Aniruddha Pande, Advs. for the Respondent.

Judgment / Order of the Supreme Court

Judgment

Abhay S. Oka, J.

1. Heard the learned counsel appearing for the parties.
2. Leave granted.

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3. The allegation against the appellant is of commission of offences punishable under Sections 489A, 489B and 489C read with Section 34 of the Indian Penal Code, 1860.
4. Six counterfeit currency notes of Rs.500/- each are subject matter of the offence. The appellant has been incarcerated for two and a half years. The counter affidavit filed by the State shows that there are no antecedents. The trial is not likely to conclude in a reasonable time. Therefore, in the facts of the case, the appellant deserves to be enlarged on bail following the well-settled rule that bail is rule and jail is an exception.
5. Accordingly, we direct that the appellant shall be produced before the Trial Court within one week from today. The Trial Court shall enlarge the appellant on bail till the conclusion of the trial on appropriate terms and conditions, including the condition of regularly and punctually attending the Trial Court and cooperating with the Trial Court for expeditious conclusion of the case.
6. Before we part with this order, every day we notice that in several orders passed by different High Courts while rejecting the bail applications, in a routine manner, the High Courts are fixing a time-bound schedule for the conclusion of the trials. Such directions adversely affect the functioning of the Trial Courts as in many Trial Courts, there may be older cases of the same category pending. Every court has criminal cases pending which require expeditious disposal for several reasons, such as the requirement of the penal statutes, long incarceration, age of the accused, etc. Only because someone files a case in our Constitutional Courts, he cannot get out of turn hearing. Perhaps after rejecting the prayer for bail, the Courts want to give some satisfaction to the accused by fixing a time-bound schedule for trial. Such orders are difficult to implement. Such orders give a false hope to the litigants. If in a given case, in law and on facts, an accused is entitled to bail on the ground of long incarceration without the trial making any progress, the Court must grant bail. Option of expediting trial is not the solution.
7. In paragraph 47.3 of the decision of a Constitution Bench of in the case of '[High Court Bar Association, Allahabad vs. State of Uttar Pradesh & Ors.](#)',¹ this Court has held that in the ordinary course,

1 [\[2024\] 2 SCR 946](#) : (2024) 6 SCC 267

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the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Paragraph 47.3 reads thus:

“47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending;”

(underline supplied)

8. A direction which can be issued in exceptional circumstances is being routinely issued by High Courts without noticing the law laid down by the Constitution Bench.
9. The Appeal is, accordingly, allowed.
10. Registry to forward soft copies of this order to Registrar Generals of all the High Courts with a request to them to circulate copies to all the Hon’ble Judges of the High Court.

Result of the case: Appeal allowed.

[†]Headnotes prepared by: Ankit Gyan