

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1425 OF 2024

Mahesh Baburao Nikam Applicant

versus

The State of Maharashtra Respondent

.....

- Mr. Ramanik Pawar a/w Samiksha Pawar a/w Trupti Jambulkar a/w Dhanshree Jagdale a/w Samadhan Mahmulkar a/w Shivtej Takalkar, Advocate for Applicant.
- Smt. Madhavi H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 25th APRIL, 2024

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.393/2020, dated 22/07/2020, registered with Satara Taluka Police Station, Satara, under sections 302 r/w 34 of the Indian Penal Code.

2. The Applicant was arrested on 24/09/2020 and since then he is in custody. Till today, even charges are not framed.

The charges are not likely to be framed in the near future.

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3. Heard Mr. Ramanik Pawar, learned counsel for the Applicant and Smt. Madhavi H. Mhatre, learned APP for the State.

4. This is the third time, when the Applicant has approached this Court for his release on bail. On the first occasion he had preferred Criminal Bail Application No.1517 of 2020 which was rejected by a reasoned order dated 30/03/2021. Thereafter, he again preferred Criminal Bail Application No.3464 of 2023. At that time, I had directed the Trial Court to complete the trial within a period of five months from 08/11/2023 and with those directions the application was allowed to be withdrawn. He was given liberty to file a fresh application if the trial was not over within that period. The trial is not over. It has not even started. Therefore, pursuant to that liberty, the Applicant has filed this application. In these circumstances, I am entertaining this application.

5. The case is about the murder of one Sachin Pawar. On

21/07/2020, the present Applicant and others assaulted Sachin with axe. The Applicant assaulted him with sickle. There are eyewitnesses namely Shashikant Sable, Pramod Sable, Vikrant Sable. They are all consistent. However, their statements implicating the Applicant were recorded on 26/08/2020. Earlier they had not named any accused, but they had explained that they were under fear and therefore they did not name any of the accused. The post-mortem notes show that the deceased had suffered 11 injuries and the cause of death was mentioned as 'due to severe head injury with multiple both lower limb injury'. All these factors were considered while rejecting the Bail Application No.1517 of 2020 vide the order dated 30/03/2024. There is sufficient material against the present Applicant and the offence is serious. However, the fact remains that the Applicant was arrested on 24/09/2020. More than 3 ½ years have passed. There is no progress in the trial at all. Even charges are not framed. The Applicant was given liberty to file fresh application for bail if the trial did not conclude within that period. It has not even started. There is no justification. Learned APP could not justify as to why the trial could not start. Considering the delay

in the trial and the specific liberty given to the Applicant to file fresh bail application, I am inclined to grant bail to the present Applicant on this count alone.

6. Hence, the following order :

ORDER

- (i) In connection with C.R.No.393/2020, dated 22/07/2020, registered with Satara Taluka Police Station, Satara, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall report to the concerned Police once a fortnight till one year from today.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)