

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 144 OF 2024

Nilesh Ramashankar Sharma .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Sunny Waskar with Harshada Morey and Ms.Bhavika Patil
for the applicant.

Smt.K.T. Hiwrale, APP for the State.

WPSI Ms.Shaikh from Crime Branch, Unit 12, present.

CORAM: BHARATI DANGRE, J.

DATED : 3rd MAY, 2024

P.C:-

1 Claiming parity with the co-accused Satendra @
Sonu Ramji Pal, Ajaykumar Harishankar Pal, the applicant seek
his release on bail while he face accusation under Sections 302,
307, 120B r/w Section 34 of the IPC and Sections 3, 25 and
Section 27 of the Arms Act.

2 It is informed that the Special P.P Mr.Bagade
represent the prosecution and in his absence, I have heard the
learned APP for the State.

3 While considering the application of Ajaykumar Pal,
I had referred to a decision of the Apex Court in case of Union of

India Vs K.A. Najeeb, (2021) 3 SCC 713, and had observed as under :-

“3 It may be true that there is sufficient material in the charge-sheet to frame the charge against the applicant, but the question remains how long shall he be asked to wait. Since his arrest from 24/04/2019, he is incarcerated and the ordeal of trial, which he has to undergo would be of a long drawn process with around 70 witnesses to be examined and 9 accused to be tried.

Though the applicant would take the consequences of the material compiled in the charge-sheet, when he undergo the trial, but as an under-trial accused, he cannot be further incarcerated, as down the line, for more than 4 years, though the charge is framed, not a single witness has been examined. Since the co-accused are released on bail on the ground of long incarceration, I find no justification to extend the said benefit to the present applicant, who, deserve his release on bail”

The aforesaid observations applied with equal force to the present applicant, who is arrested on 8/5/2018 and it is informed that today the trial has commenced, and first witness is in the box, but with 88 witnesses being cited by the prosecution, its completion in the near future appear to be a rare possibility.

4 The applicant deserve his release on bail, subject to the following stipulations:

ORDER

- (a) Application is allowed.
- (b) Applicant Nilesh Ramashankar Sharma shall be released on bail in C.R.No. 249/2018 registered with Kurar police station, on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

- (c) The applicant shall mark his attendance on first Monday of every trimester between 10:00 a.m to 12:00 noon to the concerned police station.
- (d) The applicant shall provide his current address, telephone number, place of residence and intimate about the change if any, to the concerned Investigating Officer.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)