

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.512 OF 2024**

Roshan Nandkumar Shinde .. Applicant
Versus
State of Maharashtra .. Respondent
...

Mr. Suyash Khose a/w Pushkar Durge for the applicant.
Ms. Mahalaxmi Ganpathy, APP for respondent-State.

**CORAM: BHARATI DANGRE, J.
DATED : 20th MARCH 2024**

P.C:-

1 This is a second bail application filed by the applicant, who is facing the trial for an offence punishable under Section 364 A r/w 34 of IPC. In the subject C.R. registered with Nigdi police station, on 26/09/2017, he came to be arrested.

2 When his first bail application came before me on 9/12/2020, on perusal of the material in the charge-sheet, I expressed my disinclination, which resulted in disposal of the application, as being withdrawn.

The applicant once again approached the Sessions Court and by order dated 6/05/2023, though his application was rejected, the trial was expedited and the prosecution was directed to complete it's side within six months.

3 The learned counsel for the applicant make a grievance that there is no progress in the trial and the learned

APP state that 37 witnesses are to be examined by the prosecution.

One can just imagine the time that will be consumed in examining these witnesses and in concluding the trial.

4 The applicant is presently incarcerated for more than 6 years and his right to have speedy trial stands defeated by the delay in conduct of the trial. Though the charge in the sessions case is framed on 1/03/2019, thereafter there is no progress at all and despite directions to expedite the trial, it has not commenced as not a single witness is examined. The applicant cannot be incarcerated indefinitely though he may take the consequence of the material compiled against him in the charge-sheet, at the culmination of trial.

5 Considering his long period of incarceration of more than 6 years, he deserve his liberty, pending the trial.

Hence the following order:

ORDER

- (a) Application is allowed.
- (b) Applicant - Roshan Nandkumar Shinde, shall be released on bail in connection with C.R.No. 538/2017 registered with Nigdi 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 Saturday of every month between 3:00 p.m to 5:00 p.m to the concerned Police Station.

(d) 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.

(e) The applicant shall in no manner establish any contact with the victim or his family members and any attempt on his part being reported to the concerned police station will reserve a liberty in the prosecution to apply for cancellation of bail and upon such an application, the court shall pass orders in favour of the prosecution.

(f) The applicant shall attend the trial on regular basis.

(SMT. BHARATI DANGRE, J.)