

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1990 OF 2024

Pratik Kalyanji Keniya .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Shriganesh S. Gawalkar for the applicant.
Dr. Ashvini A. Takalkar, APP for the State.
PSI Kunal Gangurde from Manpada police station.

CORAM: BHARATI DANGRE, J.
DATED : 2nd AUGUST, 2024

P.C:-

1 On 20/7/2022, the Bail Application filed by the applicant was permitted to be withdrawn since disinclination was expressed to entertain the application on perusal of the material in the charge-sheet.

The applicant however pressed into service the right to have speedy trial and submitted that he is incarcerated since 26/12/2018, but till date, even charge is not framed. While permitting withdrawal of the application, liberty was conferred on the applicant to renew his request for being released on bail if the charge was not framed within a period of one year from the date of passing of the order.

2 It is informed that on 10/1/2024, charge is framed, but not a single witness has been examined. Prosecution has cited 54 witnesses and it cannot be said with certainty as to when the trial will be completed.

 Considering that the applicant is incarcerated since December 2018 and by taking note of the approach adopted by the learned Judge, being that since the Court indicated that the charge shall be framed expeditiously, the charge has been framed in January 2023, but after lapse of more than one year and six months, the trial has not commenced.

 The applicant is justified in pressing into service his right to be enlarged on bail as he cannot continue to be incarcerated as an under-trial prisoner indefinitely and it is almost six years, he has been incarcerated. It is only on this ground I am constrained to enlarge him on bail subject to the following conditions :-

ORDER

- (a) Bail Application is allowed.
- (b) The applicant Pratik Kalyanji Keniya shall be released on bail in connection with C.R.No. 734/2018 registered at Manpada police station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station once on first Monday of every month between 10.00 am to 12 noon.

(d) The applicant shall regularly attend the trial, on every date, unless exempted.

(e) Upon release, the applicant shall furnish his contact number and permanent residential address to the Investigating Officer and shall keep him updated in case of change in the same.

(SMT. BHARATI DANGRE, J.)