

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4043 OF 2024

Sandip Rambahadur Nishad ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Vinod Kashid a/w. Mr. Sumit Bhoite and Mr. Abdul Shaikh for Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Bidgar, API, Ulhasnagar Police Station.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 06, 2024

P.C. :

. In this application, the learned counsel for the applicant is pressing for relief primarily on the ground that, there is virtually no progress in the trial from the date on which the second bail application of this applicant was disposed of by this Court by order dated 02.02.2024.

2. The first bail application was dismissed on merits by order dated 16.02.2023. In the second bail application, it was noted that the applicant had undergone incarceration for a period of four years and eight months and that even charge had not been framed. In that light, this Court granted liberty to the applicant to renew his prayer for bail after six months, if there was no substantial progress before the trial Court.

3. It is undisputed that even today, charge has not been framed and the applicant now has undergone incarceration for about five years and six months.

4. Ordinarily, this Court would have been inclined to consider the prayer made in the present bail application in the light of law clarified by

the Supreme Court in recent judgements to the effect that, if there is long incarceration of the accused under-trials and there is hardly any possibility of the trial being completed within reasonable period of time, power could be exercised to release such accused under-trials on bail.

5. But, this Court cannot lose sight of the fact that even in the order, rejecting the first bail application of the applicant on 16.02.2023, this Court specifically took note of the criminal antecedents of this applicant, which include offences registered under Sections 326 and 307 of the Indian Penal Code, 1860.

6. Therefore, it would be appropriate that a report is called from the concerned trial Court as regards the progress of the trial and details of the *Rojnama* from 02.02.2024 i.e. the date on which the second bail application was dismissed, till date.

7. The concerned trial Court i.e. Additional Sessions Judge, Kalyan is directed to submit a report before this Court as regards the progress of the trial in the present case and its status as on today. The said Court shall also annex with the report, the *Rojnama* of the case from 02.02.2024 till the date the report is prepared. Such report shall be submitted before this Court within two weeks from today.

8. This order shall be communicated to the aforesaid Court forthwith.

9. List for further consideration / direction on 02.01.2025 at the top of the cause-list.

(MANISH PITALE, J.)