

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1126 OF 2025

Prasad Prakash Kulkarni

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shailesh Chavan a/w Mr. Shrikant Panhale, Mr. Hrishikesh Avhad and Mr. Sachin R. Pawar, learned Advocates for the Applicant.
Mr. Shriram S. Chaudhari, learned A.P.P. for the State/Respondent.
Mr. Prakash Vyankatrao Mane attached to Shahupuri Police Station, Satara is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 2nd JULY 2025.

P.C. :

1. Heard Mr. Shailesh Chavan, learned Advocate for the Applicant and Mr. Shriram Chaudhari, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 204 of 2018 registered with Shahupuri Police Station, Satara for the offences punishable under Sections 302, 212 and 120-B read with 34 of the Indian Penal Code Act, 1860 (“**IPC**” for short).

3. Mr. Shailesh Chavan, learned Advocate for the Applicant

states that the present crime is registered as Sessions Case No. 131 of 2018, pending before the Court of Additional Sessions Judge, Satara.

4. Applicant was arrested on 6th May 2018 and since then he is in jail. Criminal Bail Applications filed by the Applicant on earlier occasions, are rejected on merits.

5. Mr. Shailesh Chavan, learned Advocate for the Applicant submits that the present Bail Application is restricted on the grounds of long incarceration and denial of speedy trial. He submits that the Applicant is in jail for a continuous period of 7 years and 2 months. He submits that though the charge is framed, only 13 witnesses have been examined in the matter, out of 36 witnesses listed in the list of prosecution witnesses before the learned Trial Court. He submits that the trial is proceeding at a very slow pace. He relies on the orders of this Court in the cases of *Vikas Chandrakant Patil v/s. The State of Maharashtra*¹ and *Niklesh Prakash Patil v/s. The State of Maharashtra*² in support of his contention for grant of bail on the ground of long incarceration.

6. Mr. Shriram Chaudhari, learned A.P.P. for the State/Respondent submits that the prosecution has examined 13 witnesses and further witnesses are likely to be examined. He however does not dispute that the Applicant is in jail for last 7 years and 2 months.

7. I have perused the records with the assistance of learned

1 Bail Application No. 1963 of 2025 decided on 9th May 2025.

2 Bail Application No. 1208 of 2025 decided on 8th May 2025.

Advocates of the parties.

8. Applicant has been incarcerated since the year 2018. Taking note of the fact that the trial is still in progress and there are further witnesses to be examined as stated by Mr. Shriram Chaudhari, learned A.P.P., Mr. Shailesh Chavan, learned Advocate is justified in pressing into service Applicant's right to be enlarged on bail, as he cannot continue to be incarcerated as an under-trial prisoner indefinitely. Applicant has been incarcerated for 7 years and 2 months. Trial is likely to take long time.

9. Case of the Applicant is considered on the grounds of long incarceration and delay in conclusion of the trial. He is therefore entitled for bail.

10. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 204 of 2018 registered with Shahupuri Police Station, Satara for the offences punishable under Sections 302, 212 and 120-B read with 34 of the IPC on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Satara.
- b. Applicant shall regularly appear before the Additional Sessions Judge, Satara as and when the date in Sessions Case No. 131 of 2018 is fixed, unless

exempted by the learned Court.

- c. Applicant shall not influence or interfere with the witnesses or tamper with the evidence.
- d. Applicant upon release, within a period of 3 days from his release, shall furnish his residential address with proof and contact details to the Investigating Officer, Shahupuri Police Station, Satara.

11. Criminal Bail Application No. 1126 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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KOTAWADEKAR
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