

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2623 OF 2025

Rahul Eknath Borade. ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Jaydeep Mane, Advocate for the Applicant.
Dr. Ashvini Takalkar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 8th JULY, 2025.

P.C. :

1. Heard Mr. Jaydeep Mane, learned Advocate for the Applicant and Dr. Ashvini Takalkar, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No. 294 of 2017 registered at Pangari Police Station, Barshi, for the offences punishable under Section 302, 307, 120(B), 147, 148, 149, 323 of the Indian Penal Code and under Section 4(25) of the Indian Arms Act.

3. Said crime No. 294 of 2017 is now registered as Sessions Case No. 19 of 2018 and is pending on the file of the Additional

Sessions Judge, Barshi. There are 11 accused in the crime. The Applicant is Accused No. 2. Bail Application filed by the Applicant at Exh. 43 & 44 in Sessions Case No. 19 of 2018 was dismissed on 8th May, 2019.

4. Case of the prosecution is that the Accused in the said crime assaulted Krushna Murlidhar Patil, Manik Satpute and Sudam Chavan by sharp weapons on account of previous enmity. Krushna Patil and Manik Satpute have succumbed to the said injuries.

5. Mr. Mane, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of his long incarceration. He submits that the Applicant was arrested on 25th November, 2017 and since then, he is in continuous incarceration. He submits that though the charge in Sessions Case No. 19 of 2018 has been framed, there is no progress in the trial. He submits that Hanumant Borade (Accused No. 7), Laxman Satpute (Accused No. 5) and Ganesh Jadhav (Accused No. 3) have been released on bail by this Court on the ground of long incarceration (pages 32E to 32N of the paper book).

6. Ms. Takalkar, learned APP for the State submits that though charge is framed, trial has not progressed. She submits that the case of Applicant can be considered on the ground of long incarceration.

7. Perused the record with the assistance of the learned Advocates.

8. Applicant is in jail since 25th November, 2017 i.e. almost for a continuous period of 8 years as submitted by Mr. Mane. Except for framing of charge, there is no progress in the trial. Applicant would therefore be justified in pressing his right to speedy trial. Applicant cannot continue to be incarcerated as under-trial indefinitely. Accused Nos. 4, 5 and 7 in the present crime have been enlarged on bail on the ground of their long incarceration. Trial in the present crime is likely to prolong. Applicant is therefore, entitled to bail on the ground of his long incarceration.

9. Mr. Mane, on specific instructions from the Applicant states that in the event, indulgence is shown to the Applicant, the Applicant shall not enter into limits of Taluka Barshi except to attend dates before the learned Trial Court. Statement is accepted.

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

- (a) Applicant be released on bail in Crime No. 294 of 2017 registered with Pangari Police Station, District Solapur for the offences punishable under Section 302, 307, 120(B), 147, 148, 149, 323 of the Indian Penal Code and under Section 4(25) of the Indian Arms Act on furnishing P.R. Bond in the

sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Barshi.

(b) Applicant shall not tamper with prosecution evidence and also 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/her from disclosing such facts to the Court or the Investigating Officer.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Trial Court and Investigating Officer, Pangari Police Station, Dist. Solapur.

(d) Applicant shall attend the Court on each date of hearing in Sessions Case No. 19 of 2018 pending before the Additional Sessions Judge, Barshi, unless exempted.

(e) Applicant shall not enter into the limits of Taluka Barshi till the conclusion of the trial, except to attend the dates before the Trial Court.

11. Criminal Bail Application No. 2623 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)