

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

CRIMINAL BAIL APPLICATION NO. 4577 OF 2024

Bhalchandra @ Bhalya Siddhappa Keshgond. ... Applicant.

Vs.

The State of Maharashtra. ... Respondent.

Mr. Satyavrat Joshi, (appeared through V.C.) i/b. Ms. Sakshi S. Mane, Advocate for Applicant.

Mr. T.G. Khan, APP for Respondent/State.

Mr. S. B. Jadhav, PSI, Umadi Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 24th JUNE, 2025.

P.C. :

1. Heard Mr. Satyavrat Joshi, learned Advocate for the Applicant and Mr. T.G. Khan, 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. 63 of 2021 registered with Umadi Police Station, Dist-Sangli for offence punishable under Section 302 of the Indian Penal Code.

3. The Applicant was arrested on 5th March, 2021.

4. Mr. Joshi, learned Advocate for the Applicant states that said Crime is now registered as Sessions Case No. 276 of 2021 and the same is pending on the file of the learned Additional Sessions Judge, Sangli.

5. Bail Application filed by the Applicant in Sessions Case No. 276 of 2021 was rejected by the learned Additional Sessions Judge, Sangli on 30th October, 2021. Applicant thereafter filed Criminal Bail Application No. 167 of 2022, before this Court seeking bail in the said crime. On 5th December, 2022, this Court had disposed of the Application, by passing following order :

“As the applicant is in jail for more than 1½ years, the trial Court shall endeavour to conclude the trial as early as possible. In case trial is not concluded within a period of nine months, the applicant is at liberty to file bail application before the trial Court. The application is disposed of accordingly.”

6. Mr. Joshi, learned Advocate for the Applicant states that despite expiry of period of 9 months granted by this Court for

completion of trial, the trial is still pending. He states that prosecution witnesses are 27 in number. He states that the pace at which the trial is conducted, disposal of the matter would be delayed. He states that in terms of the liberty granted by this Court on 5th December, 2022, the Applicant had filed Bail Application at Exh. 16 in Sessions Case No. 276 of 2021, which was dismissed by the learned Additional Sessions Judge, Sangli on 28th December, 2023. He states that while dismissing the Bail Application, the learned Additional Sessions Judge has observed that there is no direct evidence regarding occurrence of the offence. He submits that this Court having considered the situation of the Applicant, had granted liberty to the Applicant to move for bail by fixing a specific period in the order dated 5th December, 2022. He submits that the said period has expired in the year 2023, however, the trial is not concluded even in the year 2025. He therefore, submits that the Applicant would be entitled to bail on the ground of long incarceration.

7. Mr. Khan, learned APP for the State submits that the trial is not concluded and there are still more witnesses to be

examined. He on instructions states that there are 3 witnesses which includes Investigating Officer who are to be examined.

8. Perused the records with the assistance of the learned Advocates for the parties.

9. By order dated 5th December, 2022 this Court, considering the incarceration of the Applicant had observed that the trial be concluded within a period of 9 months and if not, the Applicant was at liberty to apply for bail. Indisputably, the trial has not concluded even after expiry of the period of 9 months from 5th December, 2022.

10. Applicant is justified in pressing in service his right to speedy trial on account of the delay/slow progress of the trial. This Court had taken note of the Applicant having right to speedy trial and as such made observation in the order dated 5th December, 2022.

11. Mr. Joshi, learned Advocate for Applicant states that he has specific instructions from the Applicant to state that in case,

the Applicant is enlarged on bail, the Applicant shall not enter the jurisdiction of Jath Taluka, District Sangli pending hearing and final disposal of the Sessions Case No. 276 of 2021. Statement is accepted as a statement made to this Court by the Applicant.

12. In view of the above, considering the long incarceration of the Applicant in the present Crime and it is unlikely that the trial can be concluded within a reasonable period, this Application is allowed on the following terms:

(a) Applicant be released on bail in Crime No. 63 of 2021 registered with Umadi Police Station, Sangli upon 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, Sangli.

(b) Applicant shall not enter the jurisdiction of Jath Taluka, District Sangli pending hearing and final disposal of the Sessions Case No. 276 of 2021.

(c) Applicant shall attend each and every date of hearing before the learned Additional Sessions Judge, Sangli in Sessions Case No. 276 of 2021, unless exempted.

(d) The Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Trial Court and Investigating Officer, Umadi Police Station, Sangli.

(e) 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

13. Criminal Bail Application No. 4577 of 2024 is disposed of.

(ASHWIN D. BHOBE, J.)