

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

**CRIMINAL BAIL APPLICATION NO. 1824 OF 2024**

Gopal Natraj Nadar

.. Applicant

**Versus**

The State Of Maharashtra

.. Respondent

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- Mr. Pankaj Kavale a/w Mr. Raj Dali i/by Mr. Prajyot Shrivastav, Advocates for Applicant.
- Mr. Hitendra J. Dedhia, APP for State.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : MARCH 05, 2025**

**P. C.:**

**1.** Heard Mr. Kavale, learned Advocate for Applicant and Mr. Dedhia, learned APP for State.

**2.** Applicant - accused has filed the present Application for regular bail in connection with Crime No. 306 of 2019 registered with Ghatkopar Police Station for the offences punishable under Sections 302, 120-B of the Indian Penal Code, 1860, under Sections 3, 4 and 25 of the Arms Act, 1959 and under Sections 37(1), 135 and 142 of the Maharashtra Police Act, 1951.

**3.** Applicant came to be arrested along with other four co-accused. Role of the Applicant is with respect to committing assault on the victim by a knife. Out of 5 Accused Accused No.1 is also alleged to have assaulted the victim with a knife. Both the knives have been

recovered by the prosecution. Two of the accused persons namely Accused No.4 and Accused No.5 have been enlarged on bail by order dated 03.12.2021 and 13.08.2024 considering their role in the crime.

4. Mr. Kavale, learned Advocate for Applicant would persuade the Court to consider long incarceration of the Applicant having been arrested on 21.05.2019 and being in incarceration for the past 5 years 9 months and 15 days and certainty of trial not being completed in the near foreseeable future. Through his submissions learned Advocate for Applicant would persuade the Court to consider the fact that all main eye witnesses have been examined by the prosecution and in fact the eye witness who have disclosed name of Applicant have turned hostile.

5. Mr. Dedhia, learned APP for State after taking instructions informs the Court that though trial has commenced 10 witnesses have been examined by the prosecution till date and notwithstanding the fact that prosecution has stated in the chargesheet that it shall examine 48 witnesses, the prosecution would propose to examine further 15 to 20 witnesses in the trial. He would therefore persuade the Court to consider the Application on the aspect of antecedents. It is prima facie seen that Applicant is enlarged on bail in 4 other offences under Sections 307, 324, 326, 448 and 452 of the IPC and he is also

acquitted in other two offences by the trial Court and this Court in connection with offences punishable under Sections 376 and 302.

6. Though aforesaid may be the reasons but what impels me to consider the present Application of the Applicant are two specific grounds namely his long incarceration for the past 5 years 9 months and 15 days and certainty of trial not being completed in the near foreseeable future thereby affecting his speedy trial as also personal liberty enshrined under Article 21 of the Constitution of India. Though in a given case prosecution may be right to suggest rejection of Bail Application of accused who is indicted in heinous crimes rather multiple heinous crimes but considering the facts delineated hereinabove, I am inclined to consider the case of the Applicant for grant of bail in view of his long incarceration and the pending trial under progress without going into the merits of the case altogether.

7. Apprehension of the prosecution in view of the antecedents of the Applicant can be addressed by imposing strict conditions for grant of bail.

8. Needless to state that complicity of the Applicant as also the role of Applicant in the crime shall be determined in the trial on the basis of evidence strictly in accordance with law.

9. In view of the observations delineated hereinabove, Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) Applicant is prohibited from entering the jurisdiction of Bandra Police Station, Kurla Police Station and Ghatkopar Police Station until the present trial is concluded and decided by the trial Court;
- (iii) Applicant shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 am to 12:00 pm for the first three months and thereafter as and when called;
- (iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;
- (v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

- (vi) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;
- (vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;
- (viii) Any infraction of the above conditions shall entail cancellation of this order.

**10.** It is clarified that the observations in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case.

**11.** Bail Application is allowed and disposed.

**[ MILIND N. JADHAV, J. ]**