

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2108 OF 2024

Hemant Sagarmal Soni

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Abhinav J. Dubey a/w Mr. Amit Tiwari, Advocates for Applicant.
- Mr. Balraj B. Kulkarni, APP for State.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 28, 2025

P.C.:

1. Heard Mr. Dubey, learned Advocate for Applicant and Mr. Kulkarni, learned APP for State.

2. Applicant is indicted in a crime punishable under Section 302 IPC. According to the prosecution case charge against Applicant is based on the circumstantial evidence of having murdered the deceased victim who was his relative. Applicant is incarcerated since 11.05.2019. Mr. Dubey, learned Advocate for Applicant informs the Court that prosecution has examined only one witness till date out of probable 45 witnesses listed in the chargesheet which they desire to examine and considering pace of the trial would persuade the Court to grant bail to the Applicant on the ground of long incarceration.

3. Ground of long incarceration undoubtedly needs to be taken into account. *Prima facie* from the record of the case it is seen

that Applicant is indicted on last seen theory of one of the prosecution witness Gopal whose statement has been recorded on 22.05.2019 wherein he has stated that he had seen Applicant running away from the house where the deceased victim was killed by taking alongwith him the goods which he had stolen. Said statement is appended at page No.69 of the Application.

4. Insofar as the CCTV footage of the site of the incident or the vicinity of the incident spot is concerned, it is seen that according to prosecution case Applicant has destroyed the same by throwing it into the Ghodbunder creek from which it has been received but nothing has been found therefrom.

5. Learned APP Mr. Kulkarni is directed to take appropriate instructions on the status of the trial and inform the Court accordingly in view of the long incarceration suffered by the Applicant, present Application shall be heard and decided on the next adjourned date which shall be noted by the prosecution.

6. Stand over to **4th April, 2025**. To be listed on the **Supplementary Board**.

[MILIND N. JADHAV, J.]