

Shabnoor

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

BAIL APPLICATION NO.2941 OF 2024

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Vicky Dinesh Sasane
V/s.
State of Maharashtra

... Applicant

... Respondent

Mr. Ajay H. Lad for Applicant.

Ms. Supriya Kak, APP for State – respondent.

Mr. Mulla PSI Worli Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 11, 2025

P.C.:

1. This is an application filed by the applicant, Vicky Dinesh Sasane, under Section 439 of the Code of Criminal Procedure, 1973, seeking bail in connection with Crime Register No. 957 of 2021, registered at Worli Police Station. The offences alleged are punishable under Sections 307 (attempt to murder), 323 (voluntarily causing hurt), and 504 (intentional insult with intent to provoke breach of the peace), read with Section 34 of the Indian Penal Code, 1860.

2. As per the record, the applicant was arrested on 18th October 2021. He is in judicial custody since then, completing more than 3 years and 7 months of incarceration as an undertrial prisoner. The maximum punishment prescribed for the offence

under Section 307 of the IPC is ten years' imprisonment.

3. It is brought to the notice of the Court that the applicant has no past criminal antecedents and this is his first offence. The applicant has already undergone more than one-third of the maximum sentence that can be imposed for the offence under Section 307 of IPC.

4. At this stage, it is relevant to refer to the first proviso to Section 479 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which provides that an undertrial prisoner, being a first-time offender and having undergone detention for a period extending to one-third of the maximum sentence specified for the alleged offence, may be considered for release on bail.

5. The Supreme Court in *In Re: Policy Strategy for Grant of Bail* [Writ Petition (Civil) No. 406 of 2013], has taken judicial note of the prolonged incarceration of undertrial prisoners and emphasized the importance of granting bail in cases where the accused has undergone substantial period of detention without progress in the trial.

6. In the present case, taking into account that the applicant is a first-time offender, has already spent over three years in custody without any allegation of tampering with evidence or threatening witnesses, and further considering the benefit available under Section 479 of BNSS, this Court is of the opinion that the applicant deserves to be released on bail. At the same time, this relief must be granted subject to conditions to ensure the applicant's presence during trial and to prevent misuse of liberty.

7. Hence, the following order is passed:

ORDER

(a) The Bail Application is allowed.

(b) The applicant, Vicky Dinesh Sasane, shall be released on bail in connection with Crime Register No. 957 of 2021 registered with Worli Police Station, upon furnishing a Personal Bond of ₹10,000/- (Rupees Ten Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the Learned Trial Court.

(c) The applicant shall not tamper with evidence, or attempt to influence or contact any witness, or otherwise obstruct the fair course of the trial.

(d) The applicant shall attend the proceedings before the Trial Court regularly on each and every date of hearing, unless prevented by sufficient cause. In such case, the reason shall be informed to the Trial Court in advance.

(e) The applicant shall not leave the jurisdiction of the Trial Court without prior written permission of the Court.

(f) The applicant shall not involve himself in any criminal activity during the pendency of the trial.

(g) At the time of furnishing surety, the applicant shall provide his current residential address and mobile number to the Investigating Officer and to the Trial Court, and shall intimate any change in the said details to the Court in writing.

8. The Bail Application stands disposed of accordingly.

(AMIT BORKAR, J.)