

Nikita

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

BAIL APPLICATION NO.3504 OF 2024

Pratik Chandrakant Shigam

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Ajit Savagave for the Applicant.

Ms. Veera Shinde, APP for the State.

Mr. S. Salunke, I. O. Lanja Police Station, Ratnagiri.

CORAM : ASHWIN D. BHOBE, J.

DATED : 9th JULY, 2025**P.C.:**

1. Heard Mr. Ajit Savagave learned Advocate for the Applicant and Ms. Veera Shinde, learned APP for the State.
2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.24 of 2019 registered with Lanja Police Station, Ratnagiri for the offences punishable under Section 302 of the Indian Penal Code, 1860. Said crime is now registered as Sessions Case No.56 of 2019 and is pending on the file of the Sessions Judge Ratnagiri.
3. Case of the prosecution is that the Applicant committed murder of two of his family members. Motive for the said offence is a dispute, arising out of previous enmity.

4. Applicant was arrested on 09.03.2019, since then he is in jail.
5. Mr. Ajit Savagave learned Advocate for the Applicant submits that the present bail application is being pressed on the grounds of the Applicant's long incarceration and denial of Applicant's right to speedy trial. He submits that the Applicant is in jail for almost 6 years. He submits that presently nine (9) eye-witnesses out of the twenty seven (27) listed witnesses have been examined by the prosecution. He submits that the trial is proceedings at a slow pace and there is no possibility of the trial concluding in the near future. He, therefore, seeks bail on the ground of long incarceration.
6. Ms. Veera Shinde, learned APP for the State, submits that the Applicant has committed double murder. She submits that though the prosecution has cited 27 witnesses, the prosecution may not examine all the said witnesses. She submits that the previous conduct of the Applicant does not warrant release of the Applicant. She submits that the Applicant has committed a crime which is serious, and therefore, the Applicant is not entitled to any indulgence. She submits that the prosecution has apprehensions of the Applicant tampering with the evidence and delaying the trial, if released on bail.
7. In response to the apprehensions expressed by the learned APP, Mr. Ajit Savagave submits that he has specific instruction from the Applicant to make a statement that if indulgence is shown to the Applicant, in the present application, the Applicant will not

enter the territorial jurisdiction of Ratnagiri, District till the conclusion of trial, except for attending the hearing. He further states that he has instructions from the Applicant to give an undertaking that the Applicant shall attend each and every date of hearing of Sessions Case No.56 of 2019 and he shall not apply for adjournment. Said statements are accepted as statement to the Court.

8. I have perused the record with the able assistance of learned Advocates for the parties.

9. Applicant is in jail for almost six years from 09.03.2019. Though the trial in Sessions Case No.56 of 2019 is proceedings, however it appears that same is at same is at a slow pace. Considering the number of witnesses listed by the prosecution, trial is likely to prolonged. Applicant cannot continued as an under trial, indefinitely. In such circumstances, the Applicant is justified in pressing his right of speedy trial.

10. With reference to the contention of the Ms. Veera Shinde, that the present crime is serious crime and therefore indulgence ought not to be shown to the Applicant. The Hon'ble Supreme Court in the case of Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Anr.¹, in paragraph No.17 has made the following observations:

“If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed

¹ (2024) 9 SCC 813

is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.”

11. Apprehensions as expressed by the learned APP can be taken care by imposing conditions with a caution to the Applicant that in the event of the breach of the said condition, the same would warrant in cancellation of bail.

12. Considering that the Applicant is in jail for almost 6 years and there is no possibility of conclusion of the trial at a early date, this Court is constrained to consider the present bail application on the ground of long incarceration.

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

a) Applicant is directed to be released on bail in connection with C. R. No.24 of 2019 registered with Lanja Police Station, Ratnagiri, on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of learned Sessions Court Ratnagiri.

b) Applicant shall attend and regularly appear before the learned Sessions Court Ratnagiri in Sessions Case No.56 of 2019 on each date of hearing, unless specifically exempted by the Court. Applicant shall not take any adjournment.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and shall not tamper

with evidence.

d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Lanja Police Station, Ratnagiri his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

e) Applicant shall not enter the territorial jurisdiction of Ratnagiri District, till the conclusion of the trial except attending the hearing in the Sessions Case No.56 of 2019.

f) In the event, Applicant is found to be interfering or tampering the evidence, or found to be delaying the proceedings, the prosecution is at liberty to seek cancellation of the bail granted to the Applicant.

14. The Bail Application No.3504 of 2024 is disposed off in the above said terms.

(ASHWIN D. BHOBE. J.)