

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

CRIMINAL BAIL APPLICATION NO. 3816 OF 2024

Pruthviraj Nagnath Kamble.

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Mr. Satyavrat Joshi a/w. Mr. Zaheer Shaikh i/b. Ms. Sakshi Mane,
Advocate for the Applicant.

Mrs. M.H. Mhatre, APP for Respondent/State.

PSI S.B. Koli, Haveili Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATE : 1st JULY, 2025.

P.C. :

1. Heard Mr. Satyavrat Joshi, learned Advocate for the Applicant and Mrs. Mhatre, 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. 281 of 2020 registered at Haveli Police Station, Pune for offence punishable under Section 302, 143, 147, 148, 149 of the Indian Penal Code and under Section 4(25) of Arms Act. Said Crime is now registered as Sessions Case No. 238 of 2021 and is pending on the file of the learned Additional Sessions Judge, Pune.

3. There are 5 Accused in the present crime. Applicant is Accused No. 5.

4. Mr. Joshi, learned Advocate for the Applicant on instructions from the Applicant submits that the Applicant is restricting and pressing the bail on the ground of long incarceration. He submits that the Applicant was arrested on 15th November 2020 and since then, the Applicant is in jail. He submits that though various accused were granted benefit of COVID Bail, however, said exemption was not extended to the Applicant. He states that the Applicant is in jail since 15th November, 2020 for a continuous period of about 4 years and 7 months. He submits that till date, charge is not framed in Crime No. 281 of 2020. He relies on the decision of the Hon'ble Supreme Court in the case of Siddhant @ Sidharth Balu Taktode vs The State of Maharashtra and Anr.¹ and Javed Gulam Nabi Shaikh v/s. State of Maharashtra² in support of his contention that the Applicant is entitled to bail on the ground of long incarceration.

5. Mrs. Mhatre, learned APP submits that offences involved in the crime are serious in nature. She submits that Accused Nos. 1 to 4 were granted benefit of COVID bail in the year 2020. She submits that the said Accused Nos. 1 to 4 misused the liberty and did not surrender on the date they were required to surrender. She

1 SLP (Cri.) No.12939 of 2024

2 2024 SCC OnLine SC 1693

submits that Accused Nos. 1 to 3 were arrested and brought back to jail. She submits that Accused No. 4 who also did not surrender within the required time, committed another offence thereby misusing his liberty of COVID Bail. She submits that the charge is not framed till date, reasons for the same being attributable Accused Nos. 1 to 4.

6. I have perused the records with the assistance of the learned Advocate for the parties.

7. Present Bail Application is restricted by the Applicant on the ground of long incarceration. Applicant was arrested on 15th November, 2020 and continues to be in jail as on date. As stated by Mr. Joshi, learned Advocate for Applicant, the Applicant did not avail the COVID bail and he is in jail for continuous period of 4 years and 7 months. Considering that the Applicant is incarcerated for the aforesaid period and by taking note of the fact that the charge is not framed till date, thus delay in commencement of trial, the Applicant is justified in pressing into service his right to be enlarged on bail, as he cannot continue to be incarcerated as an under-trial prisoner indefinitely.

8. The Hon'ble Supreme Court in the case Siddhant @ Sidharth Balu Taktode (supra) as well as Javed Gulam Nabi Shaikh (supra) considered long incarceration of the Accused therein and on the said ground released the Accused therein on bail. Mr. Joshi, is

right in placing reliance on paragraphs- 9, 18, 19, 20 and 21 in the case of Javed Gulam Nabi Shaikh (supra) and paragraph 9 and 10 in the case of Siddhant @ Sidharth Balu Taktode (supra) in support of his contention of Applicant being entitled to bail on the ground of long incarceration.

9. In view of the above, and on the sole ground of long incarceration, present Bail Application is allowed on the following conditions:

- (a) Applicant be released on bail in Crime No. 281 of 2020 registered with Haveli Police Station 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, Pune.
- (b) 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
- (c) Applicant shall attend each and every date of hearing before the learned Additional Sessions Judge, Pune in Sessions Case No. 238 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, Haveli Police Station, Pune. Applicant shall surrender his passport, if any, before the Investigating Officer, Haveli Police Station, Pune.

10. Bail Application No. 3816 of 2024 is disposed of.

(ASHWIN D. BHOBE, J.)