

Nikita

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

BAIL APPLICATION NO.4225 OF 2024

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Ram Vijay Jadhav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Niranjan Bhavake, a/w Ms. Drishti Madhavi a/w
Ms. Swamini Thakur a/w Mr. Sushant Tayde for the
Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 13th JUNE, 2025

P.C.:

1. Heard Mr. Niranjan Bhavake, learned Advocate for the Applicant. Ms. Veera Shinde, learned APP for the State.
2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.117 of 2022 registered with Wadgaon Mawal, Police Station, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, of Indian Penal Code, 1860 r/w 4(27) of the Arms Act, 1959.
3. Case of the prosecution is that in the midnight scuffle amongst boys on trifle ground, one of the boys suffered injuries and succumbed to the injuries.

4. Bail Application filed by the Applicant was rejected on 26.08.2024 by the learned Additional Sessions Judge Pune.
5. Mr. Niranjana Bhavake, learned Advocate for the Applicant states that the Applicant is not named in the above said crime, but however was apprehended pursuant to the investigation in the said crime. He submits that there are no allegations in the FIR as against the Applicant. He further submits that none of the statements recorded during the course of investigation, named the Applicant. He submits that there are no criminal antecedents against the Applicant.
6. Mr. Niranjana Bhavake, learned Advocate for the Applicant submits that there are 11 accused in the present crime. He submits that six of the persons accused in the above said crime have been released on bail pursuant to the order passed by this Court (in two bail applications, and orders passed by the learned Sessions Court in four bail applications). He tenders copies of the said orders which are taken on record and marked as "X" Colly for identification. Relying on the said orders, he submits that the Applicant is similarly placed and more so, placed in a situation like that of Mr. Yogesh Modak (Accused No.9) and Mr. Shubham Thosar (Accused No.8).
7. Mr. Niranjana Bhavake, learned Advocate for the Applicant submits that the investigation is complete, charge-sheet is filed. However, no charge is framed till the date. He states that accused is in jail since 17.06.2022. He, on instructions from the Applicant, submits that the Applicant does not press for grounds on merits

and prays for release on bail on the ground of long incarceration.

8. Learned APP for the State submits that though the Applicant is not named in the crime, however, the accused was identified in the Test Identification Parade, and, therefore, the involvement of the Applicant in the present crime is proved. She however, does not dispute the fact that the charge in the matter is not framed. She submits that there are 72 witnesses listed in the present crime. She also does not dispute the fact of six other co-accused involved in the crime are released on bail.

9. Applicant having pressed into service right to have speedy trial and having submitted that he is incarcerated since, 17.06.2022, and till the date charge not being framed, the case of the Applicant is required to be treated as a case of long incarceration.

10. Considering that the Applicant is in jail since June, 2022, the Applicant is justified in pressing into service his right to be enlarged on bail, as he cannot be continued to be incarcerated as an under trial prisoner, indefinitely. Considering the prospect of the trial being completed in the near future being a distinct possibility, in view of the number of witnesses as submitted by the learned APP, the Applicant would be entitled to be enlarged on bail on the ground of long incarceration. Six other accused involved in the crime are released on bail.

11. In view of the above, the present application is allowed, on the following conditions:

a) Applicant is directed to be released on bail in

connection with C. R. No.117 of 2022 registered with Wadgaon Mawal, Police Station, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, of Indian Penal Code, 1860 r/w 4(27) of the Arms Act, 1959, on his furnishing PR bond in the sum of Rs.25,000/- or one or two sureties in the like amount to the satisfaction of Additional Sessions Judge Pune.

b) Applicant shall report to the Wadgaon Mawal Police Station on 1st Monday of every month from 10.00 am to 11.00 am.

c) Applicant shall cooperate with the investigation.

d) Applicant shall not interfere/ threaten any of the witnesses or tamper with evidence.

e) The Applicant shall regularly appear before the Additional Sessions Judge, Pune on each date of hearing unless specifically exempted.

12. The Bail Application is disposed off.

(ASHWIN D. BHOBE. J.)