

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

CRIMINAL BAIL APPLICATION NO. 4745 OF 2024

Ganesh Reddy

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Mr. Shubhangi Parulekar a/w. Varsha Bhosale, Advocate for the Applicant.

Mr. T.G. Khan, APP for Respondent/State.

CORAM : ASHWIN D.BHOBE, J.

DATE : 19th JUNE, 2025.

P.C. :

1. Heard Ms. Shubhangi Parulekar, learned Advocate for the Applicant and Mr. T.G. Khan, learned APP for Respondent-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. 422 of 2021 registered with Chakan Police Station, Pune, for the offences punishable under Section 302, 307, 324, 504 read with section 34 of the Indian Penal Code. The said Crime is now registered as

Sessions Case No. 98 of 2022 is committed to the Court of Additional Sessions Judge, Khed, Rajguru Nagar, District Pune.

3. There are 3 accused in the above said crime. Applicant is Accused No. 1, whereas other two accused are juvenile.

4. Ms. Parulekar, Learned Advocate for the Applicant had made a grievance with regard to the slow progress in the trial of Sessions Case No. 98 of 2022, after framing of charge.

5. This Court had passed following order on 4th March, 2025 :

“1. Learned A.P.P. submits that the case is based on direct evidence. It is submitted that the charge is already framed.

2. On the other hand the learned counsel for the applicant submits that there is no progress in the trial after framing of the charge. It is submitted that the applicant is in jail for about four years.

3. Considering the facts and circumstances of the case, time of six weeks is granted to show progress in the trial. List the application on 28th April, 2025. The prosecution shall endeavour to examine witnesses before the next date or else this Court will be constrained to release the applicant on bail.”

6. Today, when the matter was called out, Ms. Parulekar, learned Advocate for the Applicant states that from 4th March, 2025 till date a single witness has been examined and according to her, there is no progress in the trial. To clarify she submits that the trial is proceeding at a very slow pace. She submits that there are 18 witnesses listed by the prosecution in the present crime. Placing reliance on paragraph-3 of the order dated 4th March, 2025 she submits that the Applicant presses into service the right to have speedy trial. She submits that the Applicant was arrested on 6th April, 2021 and he is incarcerated since then.

7. Mr. Khan, learned APP for the State, agrees to the factual position of the progress in the trial being slow and the Applicant being incarcerated since 6th April, 2021. He states that the prosecution would make all endeavours to expedite the trial.

8. Considering that the Applicant is incarcerated from the year 2021 and by taking note of slow progress in the trial since framing of charge, further prosecution having examined only one witness since 4th March, 2025, the Applicant would be justified in

pressing into service his right to be enlarged on bail, as he cannot continue to be incarcerated as under-trial prisoner, indefinitely. It is almost 4 years 3 months Applicant has been incarcerated.

9. Ms. Parulekar relies on the orders passed by this Court in in the case of *Vikas Chandrakant Patil v/s. The State of Maharashtra¹* and *Niklesh Prakash Patil v/s. State of Maharashtra*, in support of her contention of the Applicant being entitled to bail on the ground of long incarceration.

10. In view of the above, taking note of the slow progress of the trial, the Applicant would be entitled to bail on the sole ground of his long incarceration.

11. Ms. Parulekar, learned Advocate for the Applicant on instructions from the Applicant submits that the Applicant shall not take adjournment in the matter and shall cooperate with the trial. Statement accepted.

12. The Applicant is therefore, directed to be released on the following conditions :

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(a) The Applicant be released on bail in Crime No. 422 of 2021 registered with Chakan Police Station, Pune on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(b) The Applicant shall appear before the learned Sessions Court, Khed as and when date is fixed in Sessions Case No. 98 of 2022, unless exempted.

(c) Applicant shall not interfere or influence or threaten any of the witnesses or tamper with the evidence.

(d) Upon release from the jail, the Applicant shall furnish his residential address with proof alongwith contact details to the Investigating Officer.

13. Criminal Bail Application No. 4745 of 2024 is allowed and disposed of on the above terms.

[ASHWIN D.BHOBE, J.]