

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4868 OF 2024

Sagar Ankush Kale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Nitin Gaware Patil a/w Mr. Divyesh K. Jain, learned Advocate for the Applicant.

Mr. V. N. Sagare, learned A.P.P. for the State/Respondent.

PSI Mr. S. N. Patil attached to Alephata Police Station, Pune Rural is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th JUNE 2025.

P.C. :

1. Heard Mr. Nitin Gaware Patil, learned Advocate for the Applicant and Mr. V. N. Sagare, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**" for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 208 of 2018 registered with Alephata Police Station, Pune Rural for the offence punishable under Sections 395, 397 and 120(B) of the Indian Penal Code, 1860 ("**IPC**" for short).

3. Mr. Nitin Gaware Patil, learned Advocate for the Applicant states that crime is registered as Sessions Case No. 95 of 2025 (old

Sessions Case No. 62 of 2019) and is allotted to the Court of Additional Sessions Judge, Khed-Rajgurunagar, Pune.

4. Applicant was arrested on 27th November 2018 and since then he continues to be in jail.

5. Criminal Bail Application at Exhibit-24 filed in Sessions Case No. 95 of 2025 was rejected by the Additional Sessions Judge, Khed-Rajgurunagar, Pune by order dated 15th October 2024.

6. Mr. Nitin Gaware Patil, learned Advocate for the Applicant states that the Applicant is not seeking bail on merits and he presses into service the right of Applicant to have speedy justice. He submits that though the Applicant was arrested in the month of November 2018, there is no progress in the trial of Sessions Case No. 95 of 2025. He states that the Charge is not framed as on date. He relies on the orders of this Court in the case of *Vikas Chandrakant Patil v/s. The State of Maharashtra*¹ and *Niklesh Prakash Patil v/s. The State of Maharashtra*² in support of his contention on long incarceration.

7. Mr. V. N. Sagare, learned A.P.P. submits that the offence alleged against the Applicant is serious in nature. He however in all fairness submits that Charge is not framed in the said Sessions Case No. 95 of 2025.

8. I have perused the records with the assistance of learned Advocates of the parties.

1 Bail Application No. 1963 of 2025 decided on 9th May 2025.

2 Bail Application No. 1208 of 2025 decided on 8th May 2025.

9. Considering the Applicant is incarcerated since the month November 2018 and Charge not being framed in Sessions Case No. 95 of 2025 even as on date, justifies the Applicant to press in service his right to be enlarged on bail on the ground of long incarceration. The Applicant cannot continue to be incarcerated as an under-trial prisoner indefinitely. Trial in the said proceedings is likely to take a long time.

10. It is on the ground of long incarceration that the Applicant is released on bail, subject to the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 208 of 2018 registered with Alephata Police Station, Pune Rural for the offence punishable under Sections 395, 397 and 120(B) of the IPC on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Khed-Rajgurunagar, Pune.
- b. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Alephata Police Station, Pune Rural and shall keep the same updated, in case of any change thereto.
- c. 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

such a person from disclosing the facts to the Court or to any Police personnel.

- d. Applicant shall not tamper with evidence.
- e. Applicant shall co-operate with the trial and shall regularly appear before the Additional Sessions Judge, Khed-Rajgurunagar, Pune in Sessions Case No. 95 of 2025, as and when summoned and the date is fixed, unless specifically exempted by the learned Trial Court.
- f. Applicant shall not leave the State of Maharashtra without prior permission from the Court of Additional Sessions Judge, Khed-Rajgurunagar, Pune.

11. Criminal Bail Application No. 4868 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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KOTAWADEKAR
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2025.06.21
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