

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4977 OF 2024

Mukesh Jagbahadur Yadav

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Ms. Sandhya Mailagir, Advocate i/by Mr. Ganesh Chaskar for Applicant.
 - Mr. Sukanta A. Karmakar, APP for Respondent.
 - PSI – Milind Tayade, Nalasopara Police Station.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2025

P.C.:

1. Heard Ms. Mailagir, learned Advocate for Applicant and Mr. Mailagir, learned APP for Respondent.

2. Ms. Mailagir would draw my attention to twin orders dated 18.03.2025 and 25.03.2025.

3. Ms. Mailagir would submit that by order dated 18.03.2025, Respondent was directed to file Affidavit-in-Reply considering indictment of Applicant under Indian Penal Code, 1860 (for short 'IPC') and Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short 'MPID'). She would submit that till today reply is not filed.

4. I am informed that Mr. Haldankar, learned APP who is indisposed today is appearing in the matter by Mr. Karmakar, learned

APP holding for him. He would persuade the Court to grant extension of time to file reply. As requested by Mr. Karmakar, learned APP, time is granted to file Affidavit-in-Reply within a period of two weeks from today unfailingly.

5. Though two weeks will fall during vacation period, the prosecution is directed by this Court to adhere to the order since order dated 18.03.2025 has not been complied with by them.

6. That apart, Ms. Mailagir would persuade the Court to consider the medical condition of Applicant for grant of bail. In that regard report dated 24.03.2025 is placed before me by learned APP. This report is prepared by Chief Medical Officer of Thane Central Prison in regard to the Applicant's medical condition.

7. Report *prima facie* states that Applicant's condition is hemodynamically stable and he is taking treatment as per advice of doctors of Sir J. J. Group of Hospital, Mumbai at the prison hospital and follow up is also taken by the prison hospital.

8. Ms. Mailagir would persuade me to consider that Applicant is in incarceration for a period of more than 3 years and 22 days in prison in the present crime. Investigation is completed. Charge-sheet has been filed. Prosecution cannot indefinitely seek custody of Applicant in such facts. It is seen that charge has not been framed hence commencement and for that matter completion of trial in the

near foreseeable future is a distinct impossibility. In that view of the matter, case of Applicant deserves immediate consideration.

9. Applicant is granted liberty to move the Vacation Court, if so desired.

10. Stand over to **15th July, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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