

Nikita

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

BAIL APPLICATION NO.5161 OF 2024

Archana Jalinder Nikam	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Vaibhav Chandanshive for the Applicant.

Mr. Tanveer Khan, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 18th JUNE, 2025

P.C.:

1. Heard Mr. Vaibhav Chandanshive, learned Advocate for the Applicant and Mr. Tanveer Khan, learned APP for the State.
2. By the present application under Section 439 of the Code of Criminal Procedure, 1973 Applicant is seeking bail in connection with C. R. No.361 of 2017 registered with Pimpri Police Station, Pune for the offences punishable under Sections 302, 34 of the Indian Penal Code, Section 4(25) of the Arms Act, 1959 and Section 37(1), 135 of the Bombay Police Act, 1951. Crime No.361 of 2017 is registered as Sessions Case No.765 of 2017 and is pending on the file of Additional Sessions Judge Pune.
3. Case of the prosecution is that, Applicant (Accused No.4) along with the other three accused persons have committed murder of Mr. Sagar Thorat, husband of the complainant. Motive of committing the murder is a love affair which the Applicant is alleged to have with deceased. There are four accused in the

crime.

4. Applicant was arrested on 28.06.2017.
5. Charge in Sessions Case No.765 of 2017 was framed on 26.09.2019. The trial in the said proceedings has not commenced till the date.
6. Mr. Vaibhav Chandanshive, learned Advocate for the Applicant submits that he has instructions from the Applicant not to press for any grounds on merits and to press into service the Applicant's right to have speedy trial. He submits that from the records there is no certainty as to when the trial would commence and there is every possibility of the trial being prolonged.
7. Mr. Khan, learned APP for the State submits that though, the offence/crime is of the year 2017, and the charge being framed on 26.09.2019, till the date trial has not commenced. He states that the prosecution has listed 21 witnesses in support of its case.
8. Considering, that the Applicant is incarcerated since 28.06.2017, no trial having commenced, the Applicant is justified in pressing into service her right to be enlarged on bail as the Applicant cannot continue to be incarcerated in the present case, for about eight years as an under trial prisoner, indefinitely. Prolonged period of incarceration, without a real prospect of conclusion of trial in the reasonable period impinges upon the right of the Applicant to have a speedy trial.
9. This Bail Application is considered on the sole ground of long incarceration of the Applicant and denial of the Applicant's

right of speedy trial.

10. In view of the above facts, Bail Application No.5161 of 2024 is allowed on the following conditions:

- a) Applicant is directed to be released on bail in connection with C. R. No.361 of 2017 registered with Pimpri Police Station, Pune for the offences punishable under Sections 302, 34 of the Indian Penal Code, Section 4(25) of the Arms Act, 1959 and Section 37(1), 135 of the Bombay Police Act, 195 on her 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 attend Sessions Case No.765 of 2016 pending before the Additional Sessions Judge Pune, on each date of hearing unless specifically exempted.
- c) Applicant shall not interfere or threaten any of the witnesses or tamper with evidence.
- d) Applicant shall not leave the State of Maharashtra without prior permission from the Trial Court.
- e) Applicant shall furnish her residential address and contact details to the Investigation Officer within three days of her release.

11. The Bail Application No.5161 of 2024 is disposed off.

(ASHWIN D. BHOBE. J.)