

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

CRIMINAL BAIL APPLICATION NO. 5323 OF 2024

Laxman @ Sonu Shivaji Gajarmal ... Applicant.

Vs.

The State of Maharashtra ... Respondent.

Mr. Kuldeep Nikam, Advocate for the Applicant.

Mr. P.H. Gaikwad, APP for Respondent/State.

Mr. Somnath Bajirao Nale, PSI, Kondhwa Police Station, Pune City.

CORAM : ASHWIN D. BHOBE, J.

DATE : 10th JULY, 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Mr. Gaikwad, learned APP for State.

2. Applicant by the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), is seeking regular bail in Crime No. 677 of 2021 registered at Kondhwa Police Station, Pune City for the offences punishable under Section 302, 307, 143, 147, 148, 149 of the Indian Penal Code and under Section 37(1)(3) r/w. 135 of Maharashtra Police Act and under Section 4(25) of Arms Act. Said crime is now registered as Sessions Case No. 698 of 2024 and is pending on the file of the learned District Judge-8 and Additional Sessions Judge, Pune.

3. There are 8 Accused in the present crime. Applicant is Accused No.4 in the said crime. Bail Application at Exh. 4 filed by the Applicant in Sessions Case No. 698 of 2024 was dismissed on 3rd December, 2024.

4. Mr. Nikam, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of his long incarceration and denial of the Applicant's right to speedy trial. He submits that the Applicant was arrested on 15th August, 2021 and since then he is in jail. He submits that till date charge is not framed in Sessions Case No. 698 of 2024. He therefore, submits that the case of the Applicant be considered as a case of long incarceration. He submits that there is no possibility of trial commencing in near future much less concluding. He places reliance on the orders of this Court in the case of Vikas Chandrakant Patil vs The State of Maharashtra¹ & Niklesh Prakash Patil vs The State of Maharashtra² to support his contention of bail, on the ground of long incarceration.

5. Mr. Gaikwad, learned APP for the State submits that Applicant is charged with the offence of murder. He submits that the offence is serious. He submits that there is more than sufficient evidence to implicate the Applicant in the said crime. He submits that the Applicant has not even undergone half of the maximum period of imprisonment. He however, does not dispute that the

1 BA No.1963 of 2025 dt. 9.5.2025

2 BA No.1208 of 2025 dt.8.5.2025

charge is not framed in Sessions Case No. 698 of 2024. It is the contention of Mr. Gaikwad that the offence committed by the Applicant being serious, the Applicant should not be given benefit of long incarceration.

6. I have perused the record with the able assistance of the learned Advocates for the parties.

7. Fact of the Applicant being in jail since 15th August, 2021 till date is not in dispute. Charge is not framed in Sessions Case No. 698 of 2024. Applicant is in jail for a period of almost 4 years without the trial being commenced.

8. Contention raised by Mr. Gaikwad, learned APP that the offence committed by the Applicant being serious, the Applicant should not be given benefit of delay in trial, is liable to be rejected. The Hon'ble Supreme Court in the case of Javed Gulam Nabi Shaikh v/s. State of Maharashtra & Anr.³ in paragraph-17 is held as under :

“17. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”

3 (2024) 9 SCC 813

9. It is on the sole ground of Applicant being in jail for a period of 4 years and the trial having not commenced (charge not framed even as on date), that this Court is constrained to grant bail to the Applicant.

10. In view of the above, Bail Application is allowed on the following conditions :

(a) Applicant be released on bail in Crime No. 677 of 2021 registered with Kondhwa Police Station, Pune City upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount to the satisfaction of the learned District Judge-8 & Additional Sessions Judge, Pune.

(b) The Applicant shall not tamper with prosecution evidence and also 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 him/her from disclosing such facts to the Court or the Investigating Officer.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Trial Court and Investigating Officer, Kondhwa Police Station, Pune.

(d) Applicant shall attend each and every date of hearing in Sessions Case No. 698 of 2024 pending before the learned District Judge-8 & Additional Sessions Judge, Pune unless exempted.

(e) Applicant shall report to the Investigating Officer, Kondhwa Police Station, Pune on the first Saturday of every month from 10 a.m. to 12 p.m. till framing of charge.

11. Bail Application No. 5323 of 2024 is disposed of on the above terms.

(ASHWIN D. BHOBE, J.)