

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

CRIMINAL BAIL APPLICATION NO. 5347 OF 2024

Ajay Dinkar Suryawanshi. ... Applicant.

Vs.

The State of Maharashtra ... Respondent.

Mr. Kuldeep U. Nikam, Advocate for the Applicant.

Mr. Tanveer Khan, APP for Respondent/State.

API Deshmukh, Kothrud Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 18th JULY, 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Mr. Khan, learned APP for 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. 1745 of 2020 registered with Kothrud Police Station, District Pune for the offences punishable under Section 302, 143, 144, 147, 149, 404, 449, 201 and 34 of the Indian Penal Code and Section 37(1) r/w. 135 of Bombay Police Act and under Section 4, 25 of Arms Act. Said Crime is registered as Sessions Case No. 446 of 2020 and is pending on the file of the learned Additional Sessions Judge, Pune.

3. Case of the prosecution is that Rahul Sarkar (Accused No. 1)

alongwith others entered the garage of Rakesh Kshirsagar (deceased) with intent to kill him out of old enmity. They assaulted deceased who succumbed to the injuries.

4. There are 8 accused and one Child in Conflict with Law (CCL) in the said crime. Accused was arrested on 7th July, 2020, since then he is in jail. Bail Application filed by the Applicant at Exh. 173 in Sessions Case No. 446 of 2020 was rejected by the learned Additional Sessions Judge, Pune by order dated 23.11.2023.

5. Mr. Kuldeep Nikam, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of Applicant's long incarceration. He submits that though the charge is framed on 31.07.2024, however, till date, trial has not commenced. He submits that the Applicant is denied of his constitutional right to speedy justice affecting the liberty of the Applicant. Mr. Nikam, learned Advocate for the Applicant relies on the orders of this Court in *Vikas Chandrakant Patil vs The State of Maharashtra*¹, *Niklesh Prakash Patil vs The State of Maharashtra*² and *Vikram Ramanand Jangra V/s. State of Maharashtra*³.

6. Mr. Khan, learned APP for State submits that though charge is framed in Sessions Case No. 446 of 2020, however, trial has not commenced.

7. Hon'ble Supreme Court has in its various pronouncement after considering long incarcerations of under-trials and delay/no possibility of trial being completed in the near future, have enlarged accused

1 BA No.1963 of 2025 dated 9.5.2025

2 BA No.1208 of 2025 dated 8.5.2025

3 BA No. 4056 of 2024 dated 3.4.2025

under-trial on bail on the principle “bail is the rule and jail is the exceptions”. Considering the Applicant being incarcerated since 07.07.2020 i.e. more than 5 years, Mr. Nikam would be justified in pressing the right of the Applicant of denial of speedy trial. Applicant cannot continue to be incarcerated indefinitely as an under-trial. In view of the same, on the sole ground of long incarceration of the Applicant and no prospects of the trial being concluded in the foreseeable future, that this Court is constrained to enlarge the Applicant on bail.

8. Bail Application is allowed on the following conditions :

- (a) Applicant be released on bail in Crime No. 1745 of 2020 registered with Kothrud Police Station, District Pune upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Pune.
- (b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.
- (c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the learned Additional Sessions Judge, Pune and Investigating Officer, Kothrud Police Station, Pune
- (d) Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 446 of 2020, pending on the file of learned Additional

Sessions Judge, Pune, on each and every date, unless exemption is granted by the learned Additional Sessions Judge, Pune.

9. Criminal Bail Application No. 5347 of 2024 is disposed of in the above terms.

(ASHWIN D. BHOBE, J.)