

Nikita

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

BAIL APPLICATION NO.5449 OF 2024

Jalaluddin Ali Mohd Malik @
Khansaheb ... Applicant

V/s.
The State of Maharashtra ... Respondent

Mr. Aniket Vagal a/w Sawy. Kolekar for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

Mr. Sachin Chavan, PSI, Panchavati Police
Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 18th JUNE, 2025

P.C.:

1. Heard Mr. Aniket Vagal learned Advocate for the Applicant and Mr. P. H. Gaikwad, learned APP for the State.

2. This Court had passed the following order on 06.02.2025:

“1. Mentioned out of turn.

2. This is an application for regular bail.

3. The applicant came to be arrested in Crime No. 318 of 2018 registered at Panchvati Police Station, Nashik for the offences punishable under Sections 302 of the Indian Penal Code.

4. The bail is sought on the ground of long incarceration.

5. The learned APP for the respondent/State submits that the trial is at fag end. It is submitted that endeavour will be made to examine the rest of the prosecution witnesses within two months.

6. It appears that three persons died in the incident in question.

Considering the said fact, I am inclined to grant the time as sought by the prosecution. List the application for further consideration on 07.04.2025.”

3. Mr. P. H. Gaikwad, learned APP, submits that pursuant to the said order, two witnesses have been examined. Mr. Aniket Vagal, learned Advocate for the Applicant confirms the said position.
4. Mr. P. H. Gaikwad, learned APP, on instructions from the learned Public Prosecutor, conducting the matter before the Trial Court, makes a statement that the prosecution shall examine two more witnesses in the case. He states that upon examination of the said two witnesses, the prosecution will close its evidence. Again on instructions, the learned APP states that the said two witnesses would be examined within three weeks from today.
5. Mr. Aniket Vagal, learned Advocate for the Applicant points out the order dated 06.02.2025 and states that the reason for this Court to pass the earlier order was due to the long incarceration of the Applicant. He submits that the prosecution should complete their evidence within the period of three weeks, as stated by the learned APP.
6. Considering that the present crime dates back to the year 2018, trial having reached at fag end (as recorded in the order dated 06.02.2025), the Applicant being in jail since the year 2018, this would a fit case to direct the learned Additional Sessions Judge, Nashik to make an endeavor to conclude the trial of Sessions Case No.414 of 2018, as expeditiously as possible and preferably within a period of nine months from the date this order being placed before the learned Additional Sessions Judge, Nashik.

Both the parties assure this Court that they shall cooperate in the early disposal of the Sessions Case No.414 of 2018.

7. Present order is passed on the assurances given by the learned APP that the prosecution would conclude evidence on behalf of prosecution in Sessions Case No.414 of 2018, within three weeks from today.

8. In the event, the trial is not completed within a period of nine months, Applicant shall be at liberty to apply to the Court for release on bail, on the ground of long incarceration. If such application is filed, the same shall be dealt by the learned Sessions Court on its own merits and in accordance with law.

9. With the above directions Bail Application No.5449 of 2024 disposed off.

(ASHWIN D. BHOBE. J.)