

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 178 OF 2025

Prem @ Sunny Bajirao Kadam ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr. Pratik Kalantri a/w Ms. Deepali Kasat, Advocate for the Applicant.

Mr. A. A. Palkar, APP for Respondent/State.

Mr. V. J. Bagul-ASI, Deolali Camp Police Station, Nashik.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th AUGUST, 2025.

P.C. :

1. Heard Mr. Pratik Kalantri, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the State.

2. By the present Application, Applicant is seeking bail in Crime No.I-128 of 2020 for the offences punishable under Sections 307, 324, 504, 506 r/w 34 of IPC, 1860 and u/s. 135 of Bombay Police Act and u/s. 3, 4/25 of the Arms Act, registered with Deolali Camp Police Station. Crime No.I-128 of 2020 was registered as Sessions Case No.181 of 2020. Said case is now transferred to the Additional Sessions Judge, Nashik Road, Nashik and is re-registered as Sessions Case No.67 of 2025.

3. There are 4 Accused in the present crime. Applicant is Accused No.1.

4. Case of the prosecution is that on 9th May, 2020, when all the Accused persons, Shavlin Vilas Pawar (Informant) and other witnesses were chatting in front of Dr. Ambedkar Hall, the Applicant came there and pointed a pistol to the head of Manish Thamer. One Yashodan Pawar, tried to intervene in the matter, at that time the Applicant by mistake fired a bullet from the said pistol which hit the left leg of Yashodan Pawar. Thereafter, there was a fight between the two groups of the Applicant and the Informant.

5. Applicant was arrested on 10th May, 2020, since then he is in jail. Bail Applications at Exhibit-19 and Exhibit-44 in Sessions Case No.181 of 2020 filed by the Applicant was rejected by the Additional Sessions Judge-2 Nashik by orders dated 5th August, 2021 and 27th September, 2022 respectively.

6. Mr. Pratik Kalantri, learned Advocate for the Applicant, submits that the allegations against the Applicant are baseless. He submits that though the prosecution alleges that the Applicant fired a bullet from his pistol on Yashodan Pawar, statement of Yashodan Pawar is not recorded by the Investigating Officer. He submits that Applicant is in jail since 10th May, 2020. Charge was framed on 21st September, 2022, since then the prosecution has examined 7 out of the 32 witnesses. He submits that the trial would be delayed.

7. Mr. A. A. Palkar, learned APP for the State, on instructions from the Investigating Officer submits that the statement of Yashodan Pawar is not recorded in Crime No.I-128 of 2020. Mr. A. A. Palkar does not dispute that the charge was framed on 21st September, 2022 and till date only 7 out of 32 witnesses have been examined. He submits that

the pistol has been recovered from the Applicant.

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

9. As per the prosecution case, Applicant fired a bullet from his pistol which hit the left leg of Yashodan Pawar. Statement of Yashodan Pawar is not recorded.

10. It is trite law that prolonged incarceration pending conclusion of trial is clearly violative of right guaranteed under Article 21 of the Constitution of India, which has been construed to right of fair as well as speedy trial. Applicant is in jail since the month of May 2020 (5 years and 3 months). Though the trial has commenced, till date only 7 out of 32 witnesses have been examined. Trial which would include examination of the prosecution witnesses, recording of the statement of Accused under Section 351 of the BNSS and defence evidence if any, would certainly prolong the trial. Applicant cannot continue to be incarcerated as an under-trial, indefinitely. In the facts and circumstances of the case Applicant would be justified in pressing his right of denial of speedy trial.

11. Mr. A. A. Palkar, learned APP for the State submits that considering the antecedents of the Applicant, Applicant be restrained from entering the Jurisdiction of Nashik District till the conclusion of trial in Sessions Case No.67 of 2025.

12. Mr. Pratik Kalantri, learned Advocate for the Applicant, on instructions from the Applicant submits that the Applicant shall not enter the jurisdiction Nashik District till the conclusion of Sessions Case No. 67 of 2025. Statement is accepted.

13. On the ground of prolonged incarceration of the Applicant, this Court is compelled to enlarge the Applicant on bail. Hence, the present Bail Application is allowed on the following conditions :-:-

(a) Applicant is directed to be released on bail in connection with Crime No. I-128 of 2020, registered with Deolali Camp Police Station, Nashik, upon furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or two local sureties each in the like amount, to the satisfaction of the Additional Sessions Judge, Nashik.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing the facts to the Court or any police officer and Applicant shall not tamper with evidence.

(c) Applicant upon release, within 3 days shall furnish to the Investigating Officer, Deolali Camp Police Station, Pune his residential addresses with proof and the contact numbers and contact numbers and to keep the Investigation Officer intimated about the change in the same from time to time.

(d) Applicant shall attend and regularly appear before the Additional Sessions Judge Nashik, in Sessions Case No.181 of 2020 on each date of hearing, unless specifically exempted by the Court.

14. Applicant shall not enter the territorial jurisdiction of Nashik District till the conclusion of Sessions Case No. 67 of 2025, except for attending hearing in Sessions Case No.181 of 2020 .

15. Criminal Bail Application No. 178 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)