

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

CRIMINAL BAIL APPLICATION NO. 313 OF 2025

Pravin Gulab Varpe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Priyal G. Sarda a/w Ms. Seema S. Dighe, Mr. Shubham Sane and Mr. Rajesh Ranglani, learned Advocates for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd JULY 2025.

P.C. :

1. Heard Mr. Priyal Sarda, learned Advocate for the Applicant and Mr. Amit Palkar, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 900 of 2020 registered with Hadapsar Police Station, District-Pune for the offences punishable under Sections 302 read with 34 of the Indian Penal Code Act, 1860 (“**IPC**” for short), Sections 4 read with 25 of the Indian Arms Act, 1959 and Section 37(1) and 135 of the Maharashtra Police Act, 1951.

3. Mr. Priyal Sarda, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No. 1318 of 2022 and is pending on the file of Additional Sessions Judge, Pune.

4. Criminal Bail Application No. 2209 of 2023 filed by the

Applicant was rejected by this Court on merits vide order dated 2nd March 2024 (Page No. 25 of the paper-book).

5. There are 11 accused persons in the present crime. Applicant is Accused No. 2.

6. Mr. Priyal Sarda, learned Advocate submits that the present Bail Application is filed by the Applicant pressing into service Applicant's right to have speedy trial. He submits that the Applicant is incarcerated since 23rd May 2020, i.e., almost for a period of more than 5 years from the date of his arrest. He submits that till date charge is not framed. He submits that the prosecution has listed 54 witnesses. He submits that there is no possibility of the trial being concluded in the near future. He relies on the orders of this Court in the case of *Vikas Chandrakant Patil v/s. The State of Maharashtra*¹ and *Niklesh Prakash Patil v/s. The State of Maharashtra*² in support of his contention for grant of bail on the ground of long incarceration.

7. Mr. Priyal Sarda, learned Advocate submits that he has specific instructions from the Applicant to state that if indulgence is shown to the Applicant in the present Application, the Applicant shall not enter the jurisdiction of District-Pune City till conclusion of trial of Sessions Case No. 1318 of 2022 . Statement is accepted.

8. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that the Bail Application of the Applicant was rejected by this Court on merits. He on instructions submits that the charge is

1 Bail Application No. 1963 of 2025 decided on 9th May 2025.

2 Bail Application No. 1208 of 2025 decided on 8th May 2025.

not framed as on date.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Applicant in the present Application is pressing for enlargement of bail on the ground of his long incarceration, i.e., almost 5 years. It is a matter of fact that the charge in the crime registered in the year 2020, is not framed till date. The prosecution has listed 54 witnesses. Under such circumstances, Mr. Priyal Sarda, learned Advocate for the Applicant is justified in pressing into service the Applicant's right to be enlarged on bail on the ground of continuous long incarceration, as the Applicant cannot continue to be incarcerated as an under-trial prisoner indefinitely. On the said ground of long incarceration, this Court is constrained to enlarge the Applicant on bail.

11. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 900 of 2020 registered with Hadapsar Police Station, District-Pune for the offences punishable under Sections 302 read with 34 of the IPC, Sections 4 read with 25 of the Indian Arms Act, 1959 and Section 37(1) and 135 of the Maharashtra Police Act, 1951 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.

- b. Applicant shall regularly appear before the Additional Sessions Judge, Pune as and when the date in Sessions Case No. 1318 of 2022 is fixed, unless exempted by the learned Trial Court.
- c. Applicant 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 such a person from disclosing the facts to the Court or to any Police personnel.
- d. Applicant shall not tamper with the prosecution evidence.
- e. Applicant upon release, within a period of 3 days from his release, shall furnish his residential address with proof and contact details to the Investigating Officer, Hadapsar Police Station, District-Pune.
- f. Applicant shall not enter the jurisdiction of District-Pune City till conclusion of trial, except on the date of hearing of Sessions Case No. 1318 of 2022 before the Additional Sessions Judge, Pune.
- g. Applicant shall report to the Investigating Officer, Hadapsar Police Station, District-Pune on 5th day of every month from 10.00 a.m. to 1.00 p.m. till framing of the charge.

12. Criminal Bail Application No. 313 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
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