

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

CRIMINAL BAIL APPLICATION NO. 574 OF 2025

Barkat Mohammad Khalil Ali. ... Applicant.

Vs.

The State of Maharashtra ... Respondent.

Mr. Salman Pathan, Advocate for the Applicant (through V.C).

Ms. Veera Shinde, APP for Respondent/State.

API S.B. Tapse, Bhosari Police Station, Pimpri-Chinchwad.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th JULY, 2025.

P.C. :

1. Heard Mr. Salman Pathan, learned Advocate for the Applicant and Ms. Veera Shinde, 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. 969 of 2019 registered with Bhosari Police Station, Pune for the offences punishable under Section 302 of the Indian Penal Code, under Section 4(25) of the Arms Act and under Section 37(1) read with 135 of Maharashtra Police Act. Said Crime is registered as Sessions Case No. 234 of 2020.

3. Mr. Pathan, learned Advocate for the Applicant had circulated the present Application on the ground of the Applicant having serious medical conditions requiring immediate medical

attention. By Order dated 2nd July, 2025, on the request of Mr. Pathan, learned Advocate for the Applicant, report on the medical condition of the Applicant was sought from the Jail authorities. Ms. Shinde, learned APP for State has tendered the prisoner's medical report dated 3rd July, 2025. The covering letter dated 4th July, 2025 alongwith prisoner's medical report dated 3rd July, 2025 are collectively taken on record and marked as "X" colly. (9 pages). Ms. Shinde, learned APP fairly states that though the Applicant has some medical issues, however, the medical condition of the Applicant is not as serious as was sought to be projected by Mr. Pathan.

4. Faced with this situation, Mr. Pathan, learned Advocate for the Applicant submits that the Applicant is also seeking bail on the ground of long incarceration. He states that the Applicant was arrested on 24th November, 2019 and since then he is in jail for continuous period of 5 years and 8 months. He submits that the trial in Sessions Case No. 234 of 2020 is proceeding at a slow pace and according to him, there is no chance of the trial concluding in the near future. He therefore, prays for bail on the ground of long incarceration.

5. Ms. Shinde, learned APP submits that trial in Sessions Case No. 234 of 2020 is proceeding. She submits that four witnesses have been examined till date and the prosecution proposes to examine atleast five more witnesses. She however, does not dispute that the Applicant is in jail since 24th November, 2019.

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

7. Applicant is said to have medical conditions as recorded in the documents at “X” colly. Ms. Shinde, learned PP is right in submitting that though the Applicant has medical condition, the condition is not as serious as projected by Mr. Pathan. However, the fact remains that the Applicant is in jail from 24th November, 2019. The trial though is progressing, the progress is relatively slow as per record placed before this Court. Mr. Pathan, learned Advocate for the Applicant would be right in submitting that the disposal of the trial would take substantial time. In view of the same, the Applicant would be justified in pressing his right of speedy trial. Applicant cannot continue to be incarcerated as an under-trial, indefinitely in the present case. Period of 5 years and 8 months has already elapsed. This Court is therefore, constrained to grant bail to the Applicant on the sole ground of long incarceration.

8. Ms. Shinde, learned APP submits that the Applicant is not permanent resident of the State of Maharashtra where he is being prosecuted in the Sessions Case No. 234 of 2020. She submits that in the event of release on bail, the Applicant be put to strict condition of furnishing local sureties. Mr. Pathan, learned Advocate for the Applicant on instructions fairly states that he would be agreeable to such a condition.

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

(a) Applicant be released on bail in Crime No. 969 of 2019 registered with Bhosari Police Station, Pune upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two local 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 so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

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

(d) Applicant shall attend each and every date of hearing before the learned Additional Sessions Judge, Pune in Sessions Case No. 234 of 2020, unless exempted.

10. Bail Application No. 574 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)