

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

BAIL APPLICATION NO. 582 OF 2025

Gautam Janardhan Borade @ Taklya	... Applicant
V/s.	
State of Maharashtra	... Respondent

Mr. Prashant Pandey a/w. Mr. Dinesh Jadhvani, Ms. Ridhima Margaonkar, Ms. Sunati Gupta i/b W3Legal LLP, Advocate for the Applicant

Ms. Gauri S. Rao, APP, for the Respondent – State

Mr. Phiske, PSI, Tilak Nagar Police Station, Mumbai

CORAM : SANDESH D. PATIL, J.

DATE : 11TH NOVEMBER 2025

P.C.

1. The present application is filed by the applicant for his release on bail in connection with CR No.483 of 2023 registered with Tilak Nagar Police Station on 28th June 2023 for the offence punishable under Sections 302, 201 read with Section 34 of Indian Penal Code.

2. The incidence has taken place on 19th April 2023. The applicant was arrested on 20th June 2023. Mr. Pandey, learned advocate appearing for the applicant states the entire case of the applicant was

based on three eye witnesses in which one eye witness was minor boy of 9 years. He contends that there is gross delay in lodging the FIR. He states that the arrest is made only on the ground of surmises and that there is nothing on record to show that the applicant was involved in the crime. Mr. Pandey, learned counsel appearing for the applicant has produced the evidence of the witnesses which were examined, which includes the evidence of child of 9 years. He submits that entire case of the prosecution is demolished because of this witness.

3. Ms. Rao, learned APP on instructions states that the trial has began, she states that six witnesses are already examined and now only 4-5 witnesses will be examined. She states that examination of one witness, who is a Medical Officer, will be taking place tomorrow i.e. on 12th November 2025. She states on instructions that the prosecution will try to examine other witnesses as expeditiously as possible and will not prolong the matter.

4. The accused is behind bar since 28th August 2023. The offence is under Sections 302, 201 read with Section 34 of Indian Penal Code. Although the learned counsel has tendered across the bar copies of

deposition of the witnesses, at this juncture it would not be proper on my part to marshal evidence especially of the eye witnesses. Since there are only 4-5 witnesses remaining and the trial is progressing smoothly coupled with the fact that out of 4-5 witnesses, one witness will be examined tomorrow, I do not find it proper to release the applicant on bail at this stage.

5. Learned APP states that taking into consideration the speed in which the trial is going on, the same is likely to be over within a period of 3-4 months.

6. I have perused the chargesheet as well as the judgments which are relied by the learned counsel appearing for the applicant. Admittedly the applicant is in jail since 2 Years 4 Months. The maximum punishment in this case is life imprisonment or death. Hence in my opinion this is not fit case for grant of bail. Hence, I proceed to reject the application.

7. It is made clear that in the event the trial is not over within a period of four months from today, the applicant is granted liberty to revive his bail application in this Court.

8. The bail application is rejected accordingly.

(SANDESH D. PATIL, J.)

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