

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 589 OF 2025

Sameer @ Lahu Ankush Naik

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. S.S. Gadling for Applicant
- Ms. Mahalakshmi Ganapathy, APP for State
- Mr. Rahul Pol, API, Vakola Police Station is present

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 28, 2025

P. C.:

1. Heard Mr. Gadling, learned Advocate for Applicant and Ms. Ganapathy, learned APP for State.

2. Mr. Gadling would persuade the Court to consider the long incarceration of the Applicant in the present crime of 5 years and 2 months and on that count release the Applicant on bail.

3. With the able assistance of learned Advocates, I have perused the record of the case. Present Application is received through jail. Apart from the Application copy and previous rejection orders passed in Bail Applications, Mr. Gadling has also referred to the chargesheet during the course of his submissions. He would submit that the Court may consider the fact that although the trial is underway, there is no certainty that it will be determined or concluded in the near

foreseeable future. Consequently, the continued incarceration of the Applicant would amount to a form of punishment inflicted upon him pending the outcome of the trial. Though Mr. Gadling would be right in this contention notwithstanding the fact of long incarceration of the Applicant for more than 5 years but Ms. Ganapathy, learned APP would inform the Court that in order to complete the trial, prosecution is desirous to complete the witness action of 4-5 witnesses according to the instructions received by her.

4. *Prima facie* record shows that the crime in question is committed in a brutal manner in a public place resulting in death of the victim who was the maternal aunt of the Applicant. The motive being property i.e. the room occupied by the victim and therefore I direct the prosecution to give list of witnesses if possible to the Court to consider the submissions of prosecution that they will make endeavour and effort to complete the trial immediately. After the list of witnesses is placed before the Court, the Court shall consider passing of further orders in the present Application in the facts of the present case.

5. Stand over to **3rd March, 2025 at 2:30 p.m.** To be shown under the caption **“Part-Heard”**.

[MILIND N. JADHAV, J.]