

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.851 OF 2025

Sajid Barkat Khan

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Mr. Tohid Shaikh, Advocate i/by Ms. Anjali Patil for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent No.1.
- Ms. Chitrani Deshumukh, Advocate for Respondent No.2 appointed through legal aid.
- PSI – Kunal Kervewad, Waliv Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 28, 2025

P.C.:

1. Heard Mr. Shaikh, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent No.1 and Ms. Deshumukh, learned Advocate for Respondent No.2 appointed through legal aid.

2. After I expressed my disinclination to grant the present Bail Application despite the facet of long incarceration argued by Mr. Shaikh in view of the facts in the present case, Mr. Shaikh would take appropriate instructions and persuade the Court to allow him to withdraw the present Application.

3. However, while doing so he would once again persuade the Court to consider the facet of long incarceration pending trial, since charge has not been framed in the present case, which is an important

element for considering right of Applicant for speedy trial and liberty as enshrined under Article 21 of the Constitution of India. He would submit that facet of long incarceration pending trial with charge not having been framed should not entitle the Applicant from approaching the Court for seeking grant of bail if the same situation prevails as it is Applicant's right to seek grant of bail.

4. Mr. Shaikh is undoubtedly right while making the above submission which is duly accepted by the Court.

5. In that view of the matter, present Application is allowed to be withdrawn.

6. Considering the long incarceration of Applicant for the period of 4 years 3 months 18 days, learned Trial Court is directed by this Court to dispose of trial in the present case as expeditiously as possible and in any event within a period of six months from today positively. If the said trial is not disposed as directed by this Court, it shall entitle Applicant to approach the Court for seeking grant of bail.

7. Fees of Ms. Deshmukh, learned Advocate appointed through Legal Aid to represent and espouse the cause of Respondent No.2 shall be released by the Registry of this Court within a period of one week from the date of presentation of a server copy of this order for compliance.

8. With above directions, Bail Application is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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