

Nikita

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

BAIL APPLICATION NO.1090 OF 2025

Shubham @ Banti Laxman Kamble ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Priyal Sarda a/w Mr. Rajabhau Chaudhari i/b Kisan Chaudhari for the Applicant.

Ms. M. H. Mhatre, APP for the State.

Ms. Madhuri Kayale, Probationary PSI, Sinhagad Road Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATED : 14th JULY, 2025

P.C.:

1. Heard Mr. Priyal Sarda learned Advocate for the Applicant. Ms. M. H. Mhatre learned APP for the State.

2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.1502 of 2020 registered with Sinhagad Road Police Station, Pune for the offences punishable under Sections 302 read with 34 of the Indian Penal Code, 1860, Section 4(25) of the Arms Act, and Section 37(1) r/w 135 of the Maharashtra Police Act. Said crime is now registered as Sessions Case No.449 of 2020. There are four Accused in the present crime and a child in conflict with law . Applicant is Accused No.1.

3. Case of the prosecution is that, Applicant along with other four Accused, in furtherance of their common intention, committed murder of Monika Ram Madane.
4. Applicant was arrested on 07.05.2020, since then he is in jail. Bail Application at Exhibit-7 filed in Sessions Case No.449 of 2020 was dismissed by the learned Additional Sessions Judge Pune, on 17.05.2021.
5. Mr. Priyal Sarda, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of long incarceration of the Applicant. He submits that all the other co-accused in the said crime are released on bail. He relies on the order granting bail to the other co-accused in the said crime being. He submits that the Applicant is in jail for almost more than 5 years, since his arrest. He submits that till the date, charge is not framed in Sessions Case No.449 of 2020. He submits that there is no prospect of the trial in the said case commencing and concluding in the near future.
6. Ms. M. H. Mhatre learned APP for the State submits that the offence charged against the Applicant and the other co-accused is a serious offence. She submits that murder was committed by the use of deadly weapons. She submits that there are several injuries found on the deceased and as per the prosecution case, the Applicant is the main Accused. She does not dispute that till date the charge is not framed in the Sessions Case No.449 of 2020.
7. I have perused the record with the able assistance of learned Advocates for the parties.

8. Applicant was arrested on 07.05.2020 and it is more than five years, that the Applicant is in jail. Mr. Priyal Sarda, states that till date charge is not framed in Sessions Case No.449 of 2020.

9. Mr. Akshay Mahadev Waibase (Accused No.3) was released on bail by this Court vide order dated 09.09.2024 in Bail Application No.3597 of 2022 (page No.147 of the paper book). His case was considered on the ground of long incarceration. At the relevant time Accused No.3 was in jail for years and four months.

10. In view of the above, more so, charge not being framed in Sessions Case No.449 of 2020, for almost 5 years, Mr. Priyal Sarda learned Advocate for the Applicant would be justified in pressing the Applicant's right to speedy trial. Applicant cannot continue to be incarcerated for an indefinite period, as an under trial. In view of the above, this Court is compelled to consider the bail of the Applicant on the ground of long incarceration.

11. Mr. Priyal Sarda, learned Advocate for the Applicant states that he has instructions from the Applicant to state that in the event, indulgence is shown to the Applicant, then Applicant shall not enter the territorial jurisdiction of Sinhgad Road Police Station, Pune, till the conclusion of the trial. Statement is accepted.

12. 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 C. R. No.1502 of 2020 registered with Sinhgad Road Police Station, Pune on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like

amount, to the satisfaction of Additional Sessions Judge Pune.

b) Applicant shall attend and regularly appear before the Additional Sessions Judge Pune, in Sessions Case No.449 of 2020 on each date of hearing, unless specifically exempted by the Court.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Sinhgad Road Police Station, Pune his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

e) Applicant shall not enter the territorial jurisdiction of the Sinhagad Road Police Station, Pune, till the conclusion of the trial in Sessions Case No.449 of 2020.

13. The Bail Application No.1090 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)