

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1117 OF 2025

Rohit Ramesh Pimple	.. Applicant
Versus	
State Of Maharashtra	.. Respondent

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- Mr. Vivek B. Arote, Advocate for Applicant.
 - Mr. Balraj B. Kulkarni, APP for State.
 - PSI – Mahadev Jadhav , Shahapur Police Station, Thane Gramin.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 21, 2025

P. C.:

1. Heard Mr. Arote, learned Advocate for Applicant and Mr. Balraj B. Kulkarni, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. I-309 of 2019 registered with Shahapur Police Station on 20.07.2019 for the offence punishable under Sections 302, 460, 396, 412, 414 of the Indian Penal Code, 1860. Applicant is in incarceration for the past 5 years 7 months and 30 days.

3. Prosecution case is that Applicant was one of the 16 accused persons who is alleged to have entered/trespassed into the house of the victim, robbed him of cash and gold ornaments and in the process murdered him. Applicant before me is arrayed as one of the

accused persons who had come on the motorcycle to the scene of crime and that motorcycle has been recovered from his possession. Actual role of Applicant in the crime according to prosecution is that he along with other co-accused persons with the help of a pillow smothered the deceased victim leading to his death while in sleep. This role of Applicant is borne out from the statement of co-accused persons recorded by prosecution.

4. Mr. Kulkarni, learned APP would submit that Applicant is having 3 criminal antecedents as per instructions received by him, that some amount of cash has been recovered from his conscious possession and he was present at the scene of crime which is primarily seen from the statements of co-accused which are recorded.

5. With the able assistance of the learned Advocate for Applicant and learned APP I have perused the record of the case. *Prima facie* indictment of the Applicant and his specific role in the crime is on the basis of statement of co-accused persons which are hit by the provisions of Section 25 of the Indian Evidence Act at this stage.

6. Needless to state that the complicity of the Applicant shall be determined by the prosecution at the time of trial. Insofar as recovery is concerned, the only case of the prosecution *qua* Applicant is the recovery of motorcycle and according to them Applicant had

reached the crime scene / incident spot on that motorcycle. Record also shows that a jeep was also involved in which other co-accused persons had travelled to the incident spot and after the crime they had left the place of crime.

7. Applicant is incarcerated since 22.07.2019 i.e. for a period of 5 years 7 months and 30 days. I am informed that charges have been framed but trial has not yet commenced. Out of the probable witnesses which the prosecution would otherwise examine for completion of the trial it is a distinct impossibility that trial would be completed in the near foreseeable future. Right to speedy trial and personal liberty being enshrined under Article 21 of the Constitution of India are invoked by the Applicant for seeking bail.

8. Considering long incarceration of the Applicant for the past 5 years 7 months and 30 days and his indictment based upon co-accused statement and possibility of the trial taking a long time to complete the Applicant can be released on bail.

9. Hence, Bail Application is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;

(iii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for; He shall not enter the jurisdiction of the Shahapur District except for the purpose of attending trial until the completion of trial;

(iv) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(v) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vi) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vii) Applicant shall not influence with any of the witnesses

or tamper with the evidence in any manner; and

(viii) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

10. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

11. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]