

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1208 OF 2025

Niklesh Prakash Patil .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Mithilesh Mishra, Advocate for Applicant.
 - Mr. Dinesh J. Haldankar, APP for Respondent.
 - PSI – H. B. Gaikwad, Shivaji Nagar Police Station, Ambernath (East).
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2025

P.C.:

1. Heard Mr. Mishra, learned Advocate for Applicant and Mr. Haldankar, learned APP for Respondent.

2. Applicant is indicted under Section 302 of the Indian Penal Code, 1860 and incarcerated for past seven and half years. Charge is framed before two years and trial is not begun yet as informed by Mr. Mishra. The case of the Applicant is based on circumstantial evidence with no direct eye witness to the incident. There are three Accused in the crime out of which two Accused have been released on bail.

3. Mr. Mishra would submit that the period of long incarceration with the probability of trial not having commenced or even would ever get completed in near foreseeable future be considered for grant of bail. Seven and half years of incarceration

pending trial is indeed a very long period.

4. Learned APP appearing in the matter shall take cognizance of the aforesaid facts.

5. Mr. Mishra has informed the Court that on 25.01.2025, Special Leave Petition filed by Applicant before Supreme Court against rejection of previous Bail Application has been rejected. However he would submit that rejection of said Special Leave Petition cannot preclude Applicant from approaching the Court for seeking bail.

6. I am informed that copy of Application has been served. Learned APP shall take appropriate instructions and apprise the Court considering the fact that there has been no weapon used in the present crime and case of prosecution is based solely on the circumstantial evidence. The long incarceration of Applicant being considered by the Court, the present Application shall be heard and decided by this Court on the next adjourned date which shall be noted by the prosecution.

7. Stand over to **16th April, 2025**. To be placed on the 'Supplementary Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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