

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

CRIMINAL BAIL APPLICATION NO. 1235 OF 2025

Sagar Bharat Giri.

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Mr. Rupesh Atul Zade, Advocate for the Applicant.

Dr. A.A. Takalkar, APP for Respondent/State.

PSI Yudhjeet Bhosale, Bharati Vidyapeeth Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th JULY, 2025.

P.C. :

1. Heard Mr. Rupesh Zade, learned Advocate for the Applicant and Dr. Takalkar, learned APP for the State.

2. By the present Bail Application, the Applicant is seeking bail in connection with Crime No. 497 of 2017 registered with Bharti Vidyapeeth Police Station, Pune for the offences punishable under section 302 read with 34 of the Indian Penal Code and under Section 4 and 25 of Arms Act and under section 37(1) r/w. 135 of the Maharashtra Police Act. Said Crime is registered as Sessions Case No. 79 of 2018 and is pending on the file of the Adhoc District Judge-4, Pune.

3. On 10th July, 2025, this Court had made the following order :

1. Heard Mr. Rupesh Zade, learned Advocate for the Applicant and Dr. Takalkar, learned APP for State.

2. By the present Application filed under section 483 of the

Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No. 497 of 2017 which is registered as Sessions Case No. 79 of 2018 and is pending before the learned Additional Sessions Judge, Pune.

3. *Mr. Zade, learned Advocate for the Applicant submits that Applicant is before this Court for the 6th time seeking bail. He points out to the order passed by this Court on 30th October, 2021 in Bail Application No. 3605 of 2019 and the order dated 2nd December, 2022 in Bail Application No. 2852 of 2022. He submits that despite the directions issued by this Court, the trial is not concluded.*

4. *By order dated 30th October, 2021 in Criminal Bail Application No. 3605 of 2019, this Court had passed following directions :*

“2. Therefore today the learned counsel for the Applicant only prayed for the directions to expedite the trial without touching the merits of the matter. He submitted that the Applicant is a young boy. He was 20 years of age at the time of incident and he is in custody for 4 years.

3. I have considered learned counsel’s request for expediting the trial. Since he has not argued on merits, I am not touching the merits of the matter, but the fact remains that the Applicant was only 20 years of age at the time of incident and for 4 years he is in custody. The trial has not begun. It is necessary for the trial Court to take up this matter expeditiously and conclude it in a time bound manner.

4. The Bail Application is rejected as not pressed.

5. Learned trial Judge is requested to commence this trial at the earliest and to conclude it as far as possible within six months from today.”

5. *On 2nd December, 2022 this Court in Criminal Bail Application No. 2852 of 2022 had passed following directions :*

“1. This is the 5th time the applicant is approaching this Court for his release on bail. On all earlier occasions the bail applications were not pressed and were withdrawn. There is no change in the merits of the matter. The only ground raised today is that the trial is still not over. However, Shri. Chavan states that the trial

has commenced and two witnesses are already examined. He submitted that, even today he is not pressing this bail application with a request that the trial Court be directed to conclude the trial expeditiously. The request is reasonable.

2. *Therefore, following order is passed:*

ORDER

i) *The application is allowed to be withdrawn and is disposed of as such.*

ii) *The Trial Court shall conclude the trial within a period of Two months from receipt of this order.”*

6. *Applicant is urging violation of his fundamental right to speedy trial. Before adjudicating the present Bail Application, I deem it appropriate to call for a report from the Registry, as to whether learned Trial Court has applied for extension of time to dispose of the proceedings of Sessions Case No. 79 of 2018. Such report be filed by 14th July, 2025.*

7. *List the matter on 14th July, 2025.*

4. In compliance with the order dated 10th July, 2025, the Registry has reported that the time period to dispose of the Sessions Case No. 79 of 2018 is extended by a period of 6 months from 18th June, 2025.

5. On a query to Mr. Zade as regards the status of the Session Case No. 79 of 2018, he submits that the Investigating Officer is in the witness box and the matter is fixed for cross-examination of the Investigating Officer by the Accused.

6. Learned APP has placed on record roznama order dated 8th July, 2025 wherein the learned Trial Court has passed the following order :

<i>Business</i>	<i>Called on today Matter is time bound. Accused is not produced by jail authority. His advocate is absent साक्षीदार आय ओ आज रोजी हजर आहेत Exh. 170 -Accused advocate is filed application- if witness sent back without recording his evidence then hardship will cause to him therefore it requires to compensate him. Hence application is allowed subject to cost of Rs.2000/- to be paid to the witness Adj for Cost of Rs.2000 on Exh.170.</i>
<i>Next Purpose</i>	<i>Evidence Part Heard.</i>
<i>Next Hearing Date</i>	<i>22-07-2025.</i>

7. Trial in Sessions Case No. 79 of 2018 has reached the fag end. Investigating Officer is presently under cross-examination. This Court by order dated 18th June, 2025 passed in Bail Application No. 3605 of 2019, has extended time to dispose of the Sessions Case No. 79 of 2018 by a period of 6 months.

8. The Hon'ble Supreme Court, in the case of X v/s. State of Rajasthan & Anr.¹, at paragraph No. 14 had made the following observations :

“14. Ordinarily in serious offences like rape, murder, dacoity etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

9. In view of the above, no case is made out for entertaining the present Bail Application.

¹ SPECIAL LEAVE PETITION (CRIMINAL) NO. 13378 OF 2024

10. The learned Adhoc District Judge-4, Pune is directed to dispose of the Sessions Case No. 79 of 2018 within the time granted by this Court vide its order dated 18th June, 2025 passed in Bail Application No. 3605 of 2019.

11. Criminal Bail Application No. 1235 of 2025 is dismissed.

(ASHWIN D. BHOBE, J.)