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

CRIMINAL BAIL APPLICATION NO. 1577 OF 2025

Pradeepkumar Chedalal Nishad

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Ms. Fehmida A. Ahmed, Advocate i/by Mr. M.B. Shirsat for Applicant.
 - Ms. Shilpa K. Gajare – Dhumal, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 21, 2025.

P.C.:

1. Heard Ms. Ahmed, learned Advocate for Applicant and Ms. Gajare – Dhumal, learned APP for Respondent – State.

2. Applicant in the present case has been arrested in Crime No.407 of 2021 registered for the offences punishable under Sections 420, 465, 467, 468, 471 and 120-B read with 34 of the Indian Penal Code, 1860 (for short '**IPC**'). There are in all 13 Accused persons in the present case.

3. According to the learned Advocate for Applicant, Accused No.5 is the principal conspirator. She would submit that appended at page No.541 is the order dated 19.07.2024. While drawing my attention to the said order, she would submit that the progress of the

trial as recorded in the said order be considered by the Court for the purpose of considering the Bail Application since the Court has made certain observations regarding conduct of the trial by the concerned Investigating Officer in that order. I have perused the said order.

4. By virtue of that order the Court specifically directed the Trial Court to complete the trial within a period of six months. It is seen that it is a conditional order. The Court has stated that if the trial was not completed within a period of six months, then Accused Nos.4 and 5 shall be released on bail.

5. She would submit that since trial has not been completed and is still pending, in compliance of that order Accused Nos.4 and 5 have been released on bail. She would persuade the Court to consider the facet of long incarceration of present Applicant for 2 years, 6 months and 24 days and the role of present Applicant as also the directions contained in the order dated 19.07.2024 for enlarging him on bail. Learned Prosecutor Ms. Gajare – Dhumal is directed by the Court to take specific instructions from the concerned Investigating Officer about the precise role of Applicant in the present crime.

6. Considering the observations made by this court in order dated 19.07.2024 and trial being pending learned Advocate for Applicant would submit that 12 witnesses out of 13 prosecution witnesses have been examined by prosecution in the trial till date out

of the probable 26 witnesses which they had initially stated in the charge-sheet initially, but subsequently reduced to 13 witnesses. She would submit that *prima facie* it is seen that the Investigating Officer is delaying the trial in the present case. The reasons for the same may be manifold and the entire claim cannot lie with the prosecution for protraction of the trial.

7. Be that as it may, Ms. Gajare – Dhumal learned APP appearing for the prosecution shall ascertain the veracity of the submissions made on behalf of Applicant from the record of the case and accordingly apprise the precise role of Applicant in the crime to the Court on the next adjourned date.

8. List the Bail Application on Board on **30th June 2025**.

[MILIND N. JADHAV, J.]

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