

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1653 OF 2025

Mahesh Ashok Walve .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Mithilesh Mishra, Advocate for Applicant.
 - Mr. Balraj B. Kulkarni, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2025

P.C.:

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

2. Applicant is incarcerated in prison for the past 5 years 1 month pending trial. Mr. Mishra has drawn my attention to order dated 12.11.2024 appended at page No.282 of the Application passed by this Court expediting the trial. He would submit that despite the said order being passed by this Court, the trial has not commenced.

3. He would submit that the the said order was challenged before the Supreme Court but the Special Leave Petition was withdrawn before the Supreme Court. However, Supreme Court granted liberty to Applicant to renew his request before this Court especially in the wake of the previous order passed by this Court expediting the trial.

4. It is seen that Applicant is indicted in offences punishable under Sections 302, 201, 120B and 34 of the Indian Penal Code, 1860. Considering the previous order passed by this Court, learned APP is directed to take instructions with respect to the status of the trial and accordingly inform the Court on the next adjourned date to enable the Court to consider the case of Applicant for grant of bail solely on the ground of his long incarceration pending trial.

5. Prosecution has cited 38 probable witnesses to be examined in the trial and considering the period of incarceration already suffered by the Applicant and the ignominy of Applicant to suffer further incarceration until conclusion of trial it would be a humongous period.

6. In that view of the matter, invoking right to speedy justice as envisaged by the undertrial accused person under Article 21 of the Constitution of India, the case of Applicant deserves to be considered for grant of bail.

7. Learned APP shall ascertain the veracity of the submissions made by learned Advocate for Applicant and apprise the Court on the next adjourned date to enable the Court to consider the Bail Application of Applicant

8. Stand over to **04th July, 2025.**