

Laxmi Sontakke
(P.A.)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1712 OF 2025

Rahul Rajendra Mhatre

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Vinod Kashid a/w Sumit Bhoite, Advocates for the Applicant.
 - Mr. Rushikesh Pethe, APP for the State.
-

CORAM : MILIND N. JADHAV, J.

DATE : MAY 06, 2025

P.C.:

1. Heard Mr. Kashid, learned Advocate for Applicant and Mr. Pethe, APP for the Respondent.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with C.R. No.I-276 of 2018 for the offence punishable under Sections 302, 120B and 201 read with 34 of the IPC 1860 registered with Kolsewadi Police Station.

3. In the order dated 14th August 2024 passed in Criminal Bail Application No. 2656 of 2024 by this Court (Coram: Ms. Bharati Dangre, J.), the previous Bail Application filed by Mr. Rahul Rajendra Mhatre, this Court in paragraph No.2 had observed as under:-

"However, I must also clarify that for whatever reason if the trial is not concluded, within the period stipulated above, the Applicant is entitled to file fresh Bail Application and at that point of time, merely on

the ground of long incarceration, he shall be entitled to be released on bail.”

3.1 In consonance with the said order, Applicant Rahul Rajendra Mhatre has filed present fresh Criminal Bail Application No. 1712 of 2025.

4. Learned Advocate for the Applicant informs the Court that the trial is not concluded. He has informed that PW-8 out of the intended 21 prosecution witnesses is still under cross-examination. This fact is confirmed by the Roznama from the e-court website dated 21st April 2025 which is placed on record by learned Advocate Mr. Kashid which *prima facie* states that evidence is part heard and next date of hearing is 6th May 2025. In view of the order dated 14th August 2024 and the imprimatur of this Court clarifying further that for whatever reason if the trial is not concluded as stated in the order dated 14th August 2024, Applicant would be entitled to file fresh bail application and if so filed merely on the ground of his long incarceration, he shall be entitled for release on bail, I cannot hold any different view. Trial being in progress till today would undoubtedly take a long time to be concluded being *prima facie* evident from the record, the bail application filed by Applicant therefore stands granted on the fact of long incarceration pending trial.

5. 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) Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.25,000 /- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

(iii) 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;

(iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;

(v) 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;

(vi) 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;

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

(viii) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner; and

(ix) 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.

6. 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.

7. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]