

Nikita

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

BAIL APPLICATION NO.1776 OF 2025

Mahesh Sitaram Mankar ... Applicant

V/s.

The State of Maharashtra ... Respondent

Ms. Sana Raees Khan a/w Ms. Neha Balani a/w Sumit Sharma for the Applicant.

Mr. A. A. Palkar, APP for the State.

Mr. S. S. Chavan, API, Sinhgad Road Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 9th JULY, 2025

PC.:

1. Heard Ms. Sana Raees Khan, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the State.
2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No. 384 of 2018 registered with Sinhgad Road Police Station, Pune, for the offences punishable under Sections 302, 201, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860, Section 4(25) of the Indian Arms Act, Section 37(1) read with Section 135 of the Maharashtra Police Act, 1951. Said crime is now registered as Sessions Case No.819 of 2018 and is pending on the file of Additional Sessions Judge Pune. There are five Accused in the said crime, Applicant is Accused No.5.

3. Applicant was arrested on 01.09.2018, and since then he is in jail. Bail Application at Exhibit-38 filed by the Applicant was dismissed by learned Additional Sessions Judge Pune by order dated 13.03.2025.

4. Ms. Sana Khan, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of his long incarceration. She submits that the Applicant was arrested on 01.09.2018 and he is in jail for continuous period of six years and seven months. She submits that the Accused No.4 in the present crime is released on bail. She submits that the trial in Sessions Case No.819 of 2018 has commenced, however till date only five witnesses have been examined. She submits that the trial is proceeding at a slow pace. She therefore, prays bail on the ground of Applicant's long incarceration. She submits that the trial in the present case is likely to be delayed.

5. Mr. Amit Palkar, learned APP for the State submits that the trial in Sessions Case No.819 of 2018 is proceedings. He submits that till date eight witnesses out of the 35 witnesses have been examined. He does not dispute that the Applicant was arrested on 01.09.2018.

6. I have perused the record with the able assistance of the learned Advocates for the parties.

7. Trial in Sessions Case No.819 of 2018 is proceedings, however from the number of witnesses that have been examined, it appears that the trial is likely to prolonged. In such circumstances, and considering the long incarceration of the

applicant, Ms. Khan, would be justified in pressing the ground of speedy trial. Applicant is in jail for about six years. Applicant cannot continue to be incarcerated as an under trial, indefinitely.. It is on this ground of long incarceration, and the slow progress in the trial that this Court is constrained to consider the bail of the Applicant.

8. Ms. Sana Raees Khan, learned Advocate for the Applicant submits that if indulgence is shown to the Applicant, she has instructions from the Applicant to state that the Applicant shall not enter the territorial jurisdiction of Pune District, till the conclusion of the trial, except attending the hearing of in Sessions Case No.819 of 2018. Statement accepted.

9. In view of the above, the Applicant is entitled to bail, on the following conditions:

- a) Applicant is directed to be released on bail in connection with C. R. No. 384 of 2018 registered with Sinhgad Road Police Station, Pune on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge Pune.
- b) Applicant shall attend and regularly appear before the Additional Sessions Judge Pune, Sessions Case No.819 of 2018 on each date of hearing, unless specifically exempted by the Court.
- c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Sinhgad Road Police Station, Pune his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

e) Applicant shall not enter the territorial jurisdiction of the Pune District, till the conclusion of the trial in Sessions Case No.819 of 2018, except for attending the hearing in the said trial.

10. The Bail Application No.1776 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)