

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2044 OF 2025

Rushikesh @ Banti Mohan Kudalkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Abhilasha Pawar a/w Mr. Pratik Prakash Jadhav, learned Advocates
for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th AUGUST 2025.

P.C. :

1. Heard Ms. Abhilasha Pawar, learned Advocate for the Applicant and Mr. Amit Palkar, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 169 of 2018 registered with Sanjaynagar Police Station, District-Sangli for the offences punishable under Section 302 of the Indian Penal Code, 1860 (“**IPC**” for short).

3. Ms. Abhilasha Pawar, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No. 92 of 2019 and is pending before the Court of Additional Sessions

Judge, Sangli.

4. Applicant is the sole accused in the present crime.

5. Applicant was arrested on 10th December 2018, since then he is in jail. Criminal Bail Application at Exhibit-20 filed by the Applicant in Sessions Case No. 92 of 2019, was rejected by the learned Additional Sessions Judge, Sangli by order dated 19th January 2024.

6. Ms. Abhilasha Pawar, learned Advocate for the Applicant submits that the Applicant is seeking bail on the sole ground of long incarceration. She submits that the charge has been framed on 27th July 2022 in the present matter, however till date not a single witness has been examined. She submits that the prosecution has enlisted 38 witnesses. She submits that considering the present status, trial of Sessions Case No. 92 of 2019 will be delayed. She therefore seeks bail on the ground of long incarceration. She relies on the orders of this Court in the cases of *Vikas Chandrakant Patil v/s. The State of Maharashtra*¹ and *Niklesh Prakash Patil v/s. The State of Maharashtra*² in support of her contention for grant of bail on the grounds of long incarceration and denial of Applicant's right to speedy trial.

7. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that the charge was framed on 27th July 2022, however till date no prosecution witness has been examined. He submits that the first Bail Application bearing no. 838 of 2021 filed by the

1 Bail Application No. 1963 of 2025 decided on 9th May 2025.

2 Bail Application No. 1208 of 2025 decided on 8th May 2025.

Applicant, was rejected by this Court on 4th August 2021 (page nos. 251 to 253 of the paper-book).

8. I have perused the records with the assistance of learned Advocates of the parties.

9. Facts of Crime No. 169 of 2018 being registered on 9th December 2018, the Applicant being arrested on 10th December 2018, charge being framed on 27th July 2022 and till date no witnesses being examined in Sessions Case No. 92 of 2019, are not in dispute.

10. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the accused. Therefore, the Applicant is entitled for bail. If the Applicant’s detention continues, it will amount to an infringement of his fundamental right under Article 21 of the Constitution of India of speedy trial.

11. In view of the aforesaid facts, Ms. Abhilasha Pawar, learned Advocate for the Applicant would be justified in pressing the Applicant’s right of denial to speedy trial. Applicant can not be continued to be incarcerated as a under-trial indefinitely. Applicant is in jail for a period of 6 years and 8 months. Though the charge was framed on 27th July 2022, till date the trial has not commenced. As submitted by Ms. Abhilasha Pawar, learned Advocate that the trial in Sessions Case No. 91 of 2019 is bound to

be delayed. It is on the sole ground of long incarceration, that this Court is constrained to enlarge the Applicant on bail.

12. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 169 of 2018 registered with Sanjaynagar Police Station, District-Sangli for the offences punishable under Section 302 of the IPC on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Sangli.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.
- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Sanjaynagar Police Station, District-Sangli and shall keep the same updated, in case of any change thereto.

- e. Applicant shall co-operate in the conduct of the trial of Sessions Case No. 91 of 2019 and shall regularly attend the hearing of the case pending on the file of Additional Sessions Judge, Sangli, on each and every date, unless exempted from appearance.

13. Criminal Bail Application No. 2044 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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