

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2128 OF 2025**

Balu Vishnu Kachara ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Tapan Thatte *a/w M. S. Mulla, Rajdeep Sitapure, for the Applicant.*

Ms. Anamika Malhotra, *APP for the State-Respondent.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 9th DECEMBER 2025**

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 20 of 2016 dated 5th February 2016 registered with the Talasari Police Station, Dist. Palghar for the offences punishable under Sections 395, 397, 353, 186, 333, 504 and 506 of the Indian Penal Code, 1860 (for short, "IPC").

2. It is the case of the prosecution that on the date of the incident, the officers of the State Excise Department were patrolling at village Udhwa at Kodad Road. At that time, the

Applicant and co-accused were found to have been transporting illegal liquor in two vehicles. The vehicles were intercepted and stopped by the personnel of the Excise Department. The Accused fled from the spot. However, while the Excise Department personnel were moving the vehicles and the liquor cases to the police station, all the Accused came in a vehicle and assaulted the Excise Department personnel and took away the stock of liquor and their seized vehicles.

3. The Applicant had filed the bail application before this Court bearing Bail Application No. 473 of 2023. This Court, after hearing both the parties, had rejected the said application, however, had granted liberty to the Applicant to file a fresh bail application after a period of one year, if there is no progress in the trial.

4. Today, Mr. Tapan Thatte, learned Counsel for the Applicant, submits that the status of the case today, is as it was on the date of the bail order, earlier passed on 28th March 2024. The charges are not framed as yet and the Applicant

has suffered incarceration since 27th July 2021. He thus submits that on the ground of long incarceration itself the Applicant deserves to be enlarged on bail.

5. Ms. Anamika Malhotra, learned APP, on the other hand, strongly resists the Bail Application. She submits that the Applicant was absconding for a period of 5 years before he was caught and arrested in July 2021. She further submits that there is every apprehension that he will abscond, if granted bail and his attendance will not be secured to attend the trial. She also submits that the Applicant has moved an application for discharge in the Trial Court and it is quite possible that the delay in framing of charges is on account of the application filed by the Applicant. Hence, she prays that the Bail Application be rejected.

6. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

7. A plain reading of the order dated 28th March 2024 indicates that this Court had already considered the fact of the Applicant's absconding for a period of 5 years before his arrest. The Court had also noted 5 antecedents against the Applicant. However, the Court in the said order, had requested the Trial Court to make an endeavor to conclude the trial expeditiously and, at the same time, had granted liberty to the Applicant to file a fresh bail application after 1 year, if there was no substantial progress in the trial. Admittedly, the charges are also not framed as on date. The fact that the Applicant has filed a discharge application, pending consideration before the Trial Court, is not a sufficient ground to delay the framing of charges. The Applicant cannot be indefinitely confined in prison without being afforded a trial. Even in the facts of the present matter, no purpose will be served by continued incarceration of the Applicant. In these circumstances, I am inclined to enlarge the Applicant on bail. However, considering the Applicant's antecedents and the fact that he was absconding for a period of 5 years prior to his

arrest, he is enlarged on bail on the stringent conditions which are as follows:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned, on every Monday of every month between 11:00 a.m. and 01:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall not leave the jurisdiction of Maharashtra, till the conclusion of the trial;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)