

Shabnoor

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

BAIL APPLICATION NO.2180 OF 2025

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Shankar Babasaheb Shingare

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Narayan Rokade a/w Vikrant Kadam with Tribhuvan Sharma with Abhang Suryawanshi with Siddharth Ghodke with Ramchandra Wagh, for the applicant.

Mrs. Rajashree V. Newton, APP for the State – respondent.

Mr. Salve, PSI, Hill Line Police Station.

CORAM : AMIT BORKAR, J.

DATED : JULY 29, 2025

P.C.:

1. The present bail application is preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No. 89 of 2015 registered with Hill Line Police Station. The applicant has been booked for offences punishable under Sections 143, 147, 148, 149, and 307 of the Indian Penal Code, 1860. In addition to the IPC offences, the prosecution has also invoked Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

2. The case of the prosecution, in brief, is that the first informant, one Vijay, is a vegetable vendor by occupation and

resides with his family. On 20th February 2015, at about 6:00 p.m., while returning from Ambedkar Chowk after meeting a friend, he was allegedly stopped by the main accused, Satish Pane. Satish is stated to have taken Vijay near the PWD Guest House under the pretext of speaking to him. After that, Satish is said to have made a phone call, and within some time, six other persons, namely Deepak, Shankar, Nitin, Pappu, Sachin, and Pappunya arrived at the spot. It is alleged that they came armed with iron rods, stumps, and swords. While Satish allegedly held the complainant, the other accused persons are said to have collectively assaulted him using the said weapons. Besides that, the complainant was allegedly beaten with fists and kicks.

3. The FIR further mentions that Satish Pane hit the complainant on the head with an iron rod, which caused bleeding, while another accused hit him on the forehead with an iron punch, due to which the complainant suffered a serious head injury and fell unconscious. He was then referred to J.J. Hospital for medical treatment. Based on the complaint given by the victim, the FIR was lodged at Hill Line Police Station against the present applicant and others.

4. The learned Advocate for the applicant submitted that the applicant came to be arrested on 26th April 2016 in connection with the said crime. It is pointed out that although charges were framed on 2nd August 2024, the trial has not proceeded substantially, and the prosecution has cited 13 witnesses, out of whom only a few have been examined so far. It is submitted that the applicant has been in custody for more than five years without

the trial reaching any conclusion. The learned counsel contends that such prolonged pre-trial detention is in violation of the applicant's fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Hence, it is urged that the applicant be released on bail on the ground of inordinate delay in the trial.

5. Per contra, the learned APP has strongly opposed the bail application. It is submitted that the applicant was absconding after the incident and could be arrested only on 26th April 2016. During the intervening period, it is alleged that the applicant, along with other co-accused, was involved in another serious offence, which involved the charge of murder. The prosecution has, therefore, submitted that the applicant has criminal antecedents, has remained absconding, and is allegedly involved in a subsequent heinous crime. In such circumstances, it is argued that the applicant does not deserve the discretionary relief of bail.

6. I have carefully considered the submissions advanced on behalf of the applicant and the State. I have also perused the record of the case and the relevant legal provisions.

7. At the outset, it is not in dispute that the applicant was arrested in the present case on 26th April 2016. It is also an admitted position that although charges were framed only recently on 2nd August 2024, the applicant has been continuously in judicial custody for a period exceeding eight years, awaiting conclusion of trial. Out of the 13 witnesses cited by the prosecution, not a single witness has been examined so far. There

is nothing on record to indicate that the trial is likely to conclude in the near future.

8. The Supreme Court has time and again emphasized that prolonged incarceration without conclusion of trial amounts to violation of Article 21 of the Constitution of India, which guarantees the right to life and personal liberty.

9. In the present case, although the charges against the applicant are of serious nature, including Section 307 IPC (attempt to murder), it cannot be ignored that the applicant has already undergone more than eight years of incarceration as an undertrial. The delay in commencement of trial and the slow pace of examination of witnesses cannot be attributed to the applicant. The prosecution has not placed any material to show that the applicant was responsible for delaying the trial or tampering with witnesses.

10. Further, the apprehension expressed by the prosecution that the applicant was involved in another offence is not sufficient, in itself, to deny bail when the applicant has already suffered long incarceration. There is no material on record to show that the applicant misused the liberty or attempted to interfere with the course of justice during the past years of custody. The right to be tried within a reasonable time is part of fair trial guaranteed under Article 21, and the same cannot be reduced to a mere formality.

11. In the above circumstances, continued detention of the applicant, particularly in the absence of any progress in trial for such a prolonged period, would be unjust, harsh and violative of

his fundamental rights.

12. In view of the above discussion, the following order is passed:

- (i) The Bail Application is allowed.
- (ii) The applicant shall be released on bail in connection with Crime Register No. 89 of 2015 registered with Hill Line Police Station for offences punishable under Sections 143, 147, 148, 149, 307 of IPC, Sections 37(1), 135 of the Maharashtra Police Act, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:
 - (a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.
 - (b) The applicant shall report to the Hill Line Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.
 - (c) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.
 - (d) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.
 - (e) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to

the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

13. The Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)