

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2185 OF 2025

Akash Ramdular Rajbhar	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Prabhakar Ranshur with Mr. Abhijit Sawant for the applicant.

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

Mr. Baban Gavit, PSI, Talasari Police Station, District Palghar, is present.

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CORAM : AMIT BORKAR, J.

DATED : JUNE 30, 2025

P.C.:

1. This is a bail application filed by the applicant under Section 439 of the Criminal Procedure Code, 1973. The applicant seeks regular bail in connection with Crime Register No.230 of 2020, registered with Talasari Police Station for the offences punishable under Sections 302, 201, and 364 of the Indian Penal Code.

2. The case arises out of an incident where a decomposed body was recovered from a water body near a dam. Initially, the FIR was lodged against unknown persons. However, during the course of investigation, the police arrested the applicant along with a co-accused on 23 November 2020. The co-accused has since expired and at present, the applicant alone is facing trial.

3. As per the prosecution case, there is material on record indicating that the applicant, along with the deceased co-accused, had assaulted the victim. It is further alleged that they had taken the injured victim in a van, strangled him, and disposed of his body by throwing it into the water body.

4. Learned counsel for the applicant has drawn my attention to the earlier order dated 5 July 2024 passed by a Coordinate Bench of this Court, whereby the earlier bail application was rejected. However, liberty was expressly granted to the applicant to revive his bail plea after a period of nine months in case the trial was not concluded. In that order, the Court had recorded the statement made on behalf of the prosecution that only 16 witnesses would be examined. Now, it is pointed out by the learned counsel for the applicant that not only have 13 witnesses already been examined, but the prosecution now intends to examine 19 additional witnesses. This, according to the applicant, constitutes a change in circumstance, entitling him to seek bail afresh in terms of clause 13 of the previous order.

5. On the other hand, learned APP, on instructions from the Investigating Officer who is present in Court, submits that the remaining 19 witnesses would be examined within a period of three to four months.

6. I have considered the rival submissions. On a plain reading of the earlier order dated 5 July 2024, it is evident that the bail was denied primarily on the assurance of the prosecution that only 16 witnesses would be examined and that the trial would likely

conclude within nine months. However, now it appears from the record and the submissions that though 13 witnesses have been examined, the prosecution now proposes to examine 19 more witnesses. This clearly alters the earlier position and indicates that the trial is likely to take more time than originally anticipated. Moreover, the presence of three additional witnesses over and above the number mentioned earlier further confirms that the expectation of early conclusion of the trial has not been fulfilled.

7. The applicant has been in custody since 23 November 2020, i.e., for more than four years. The trial is yet to be concluded and it is not possible to reasonably assume that it will be completed in the near future. In this background, continued incarceration of the applicant amounts to prolonged pre-trial detention, which is a matter of concern in light of Article 21 of the Constitution of India that guarantees the right to life and personal liberty. Once the delay in trial is not attributable to the applicant, and in absence of any antecedents or likelihood of tampering with evidence, the applicant is entitled to be enlarged on bail.

8. Considering the above facts and circumstances, particularly the prolonged incarceration, the change in number of witnesses to be examined, and the liberty granted by the Coordinate Bench, I am of the opinion that a case for grant of bail is made out.

9. Hence, I pass following order:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No. 230 of 2020

registered with Talasari Police Station for offences punishable under Sections 302, 201 and 364 of the Indian Penal Code (IPC), upon furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report the Talasari Police Station on every first and fifteenth day of every month between 11.00 a.m. to 1.00 p.m.;
- b) The applicant shall not tamper with the evidence or attempt to influence any witness.
- c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- d) The applicants shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- e) The applicants shall not indulge in any criminal activity during the pendency of the trial.
- f) If any of the above conditions are breached, it shall be open to the prosecution to seek cancellation of bail.

10. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)