

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2314 OF 2025

Mr. Manish Yogesh Chadha

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vikrant Kadam a/w Mr. Narayan Rokade, Mr. Vishal Padwal, Mr. Amar Gujar, Mr. Ramchandra Wagh and Mr. Abhang Suryawanshi, learned Advocates for the Applicant.

Ms. Madhavi H. Mhatre, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 29th JULY 2025.

P.C. :

1. Heard Mr. Narayan Rokade, learned Advocate for the Applicant and Ms. Madhavi Mhatre, 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. 352 of 2017 registered with Vishrantwadi Police Station, Pune City for the offences punishable under Sections 302, 449, 394 and 201 read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short).

3. Mr. Narayan Rokade, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No.

207 of 2018 and is pending on the file of learned Additional Sessions Judge, Pune.

4. There are 2 accused persons in the present crime. Applicant is Accused No. 1.

5. Applicant was arrested on 4th December 2017, since then he is in jail. Criminal Bail Application at Exhibit-55 filed by the Applicant in Sessions Case No. 207 of 2018, was rejected by the learned Additional Sessions Judge, Pune by order dated 18th July 2023.

6. Mr. Narayan Rokade, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of long incarceration. He submits that by order dated 30th November 2021 passed in Criminal Bail Application No. 2001 of 2019, this Court in paragraph no. 4 had granted liberty to the Applicant to apply for bail upon framing of charge in the present crime (said order is at Exhibit-B of the paper-book). He submits that the Applicant is in jail for a period of 7 years and 8 months. He submits that the trial in Sessions Case No. 207 of 2018 is proceeding at a very slow pace. He submits that out of 42 listed prosecution witnesses, till date only 3 witnesses have been examined by the prosecution. He therefore submits that the Applicant is entitled for bail on the ground of long incarceration. He 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 his contention for grant of bail on 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.

grounds of long incarceration and denial of Applicant's right to speedy trial. He submits that the Applicant is not produced before the Court for last 8 months and the prosecution is seeking time/adjournment to examine witnesses. He submits that on similar facts, the Hon'ble Supreme Court in the case of *Praveen Rathore v/s. State of Rajasthan and Another*³ had granted bail to the accused in that case.

7. Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent does not dispute the fact that the Applicant is in jail since 4th December 2017 and that the trial in Sessions Case No. 207 of 2018 is still pending. She submits that as per the list of witnesses, prosecution has to examine 39 more witnesses.

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

9. Considering the observations of this Court in Criminal Bail Application No. 2001 of 2019 and the liberty granted to the Applicant, Mr. Narayan Rokade, learned Advocate, would be justified in pressing the right of Applicant to speedy trial. It is 7 years and 8 months the Applicant is incarcerated as an under-trial. Prosecution as on date has examined only 3 witnesses out of 42 listed prosecution witnesses. Mr. Narayan Rokade, learned Advocate, would be justified in submitting that the trial in Sessions Case No. 207 of 2018 would not be concluded in the near future.

10. In view of the above and considering the Applicant's long incarceration as an under-trial, this Court is constrained to consider

³ 2023 SCC OnLine SC 1268.

the Applicant's request for bail. In the result, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 352 of 2017 registered with Vishrantwadi Police Station, Pune City for the offences punishable under Sections 302, 449, 394 and 201 read with 34 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, Pune.
- 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, Vishrantwadi Police Station, Pune City 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. 207 of 2018 and shall regularly

attend the hearing of the case pending on the file of Additional Sessions Judge, Pune, on each and every date, unless exempted from appearance.

11. Criminal Bail Application No. 2314 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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KOTAWADEKAR
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