

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

CRIMINAL BAIL APPLICATION NO. 2450 OF 2025

Raju Harishyam Nishad ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Mithilesh Mishra a/w Mr. Abhit Puppala i/b Agastya Desai,
Advocate for the Applicant.
Mr. A. A. Palkar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 24th JULY, 2025.

P.C. :

1. Heard Mr. Mithilesh Mishra, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the Respondent-State.

2. By the present Application, the Applicant is seeking Bail in Crime No.95 of 2018 for the offence under Sections 302, 201, 34, of the Indian Penal Code (for short "IPC). Said crime is registered as Sessions Case No. 412 of 2019 and is pending on the file of Additional Sessions Judge, Panvel.

3. There are 2 accused in the present crime.

4. Mr. Mithilesh Mishra, learned Advocate for the Applicant, submits that the Applicant is seeking bail on the sole ground of Applicant's long incarceration. He submits that Applicant is in jail for more than 7 years. He submits that despite the expiry of more than 7

years, trial in Sessions Case No. 412 of 2019 has not commenced. He states that charge in Sessions Case No. 412 of 2019 was framed in the month of March, 2025.

5. Mr. A. A. Palkar, learned APP for the Respondent-State does not dispute the fact of the Applicant being arrested on 2nd June, 2018 and trial in Sessions Case No.412 of 2019 having not commenced till date.

6. In view of the above, Mr. Mithilesh Mishra, learned Advocate for the Applicant would be justified to press into service Applicant's right to have speedy trial. Applicant cannot continue to be incarcerated as a under trial prisoner, indefinitely, in the present case for a period of 7 years. Mr. Mithilesh Mishra submits that there is uncertainty about the commencement of the trial and at any rate the conclusion of the trial would be delayed substantially, as the prosecution have listed 26 witnesses.

7. On the ground of long incarceration and the trial having not commenced till date, that this Court is constrained to release the Applicant on Bail.

8. Application is allowed, on the following conditions:-

(a) Applicant is directed to be released on bail in connection with Crime No. 95 of 2018 registered with Navin Panvel Police Station, Panvel, upon furnishing PR. Bond in the sum of Rs.25,000/- with one local surety in the like amount, to the satisfaction of the Additional Sessions Judge, Panvel.

(b) Applicant shall report to the Investigation Officer, Navin Panvel Police Station, Panvel once in a month i.e. on the first Saturday on every month from 10.00 a.m. to 12 p.m., till the conclusion of trial of Sessions Case No. 412 of 2019.

(c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and should not tamper with evidence.

(d) Applicant upon release, within 3 days shall furnish to the Investigating Officer, Navin Panvel, Police Station, Panvel, his residential addresses with proof and the contact numbers and to keep the Investigation Officer intimated about the change in the same from time to time.

(e) Applicant shall attend each date of hearing fixed in Sessions Case No. 412 of 2019, unless exempted by the court.

9. Criminal Bail Application No. 2450 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)