

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2664 OF 2025

Khalid Ahmad Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shailesh Chavan a/w Mr. Hrishikesh Sunil Avhad, learned Advocate for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th JULY 2025.

P.C. :

1. Heard Mr. Shailesh Chavan, learned Advocate for the Applicant and Mr. Amit Palkar, 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. 111 of 2018 registered with Khandala Police Station, District-Satara for the offence punishable under Section 302 of the Indian Penal Code, 1860 (“**IPC**” for short).

3. Mr. Shailesh Chavan, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No. 7 of 2023 and is pending on the file of learned Additional Sessions

Judge, Wai, District-Satara.

4. Applicant was arrested on 12th July 2018, since then he is in jail. Criminal Bail Application at Exhibit-6 filed by the Applicant in Sessions Case No. 7 of 2023, was rejected by the learned Additional Sessions Judge, Wai, District-Satara by order dated 26th May 2025.

5. Mr. Shailesh Chavan, learned Advocate for the Applicant submits that Applicant is the sole accused in the present crime. He submits that Applicant is seeking bail on the ground of long incarceration and denial of the Applicant's right to speedy trial. He submits that though the charge was framed in the year 2021, out of 24 prosecution witnesses, the prosecution as on date has examined only two witnesses. He submits that the trial in Sessions Case No. 7 of 2023 is proceeding at a very slow pace and conclusion of the trial is bound to be delayed. 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 grounds of long incarceration and denial of Applicant's right to speedy trial.

6. Mr. Amit Palkar, learned A.P.P. for the State/Respondent does not dispute the fact of the Applicant being in jail since 12th July 2018. He submits that out of 24 prosecution witnesses, 4 witnesses have been examined and 20 witnesses are remained to be examined.

1 Bail Application No. 1963 of 2025 decided on 9th May 2025.

2 Bail Application No. 1208 of 2025 decided on 8th May 2025.

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

8. In view of the aforesaid factual background, i.e., the Applicant being incarcerated for almost 7 years and 2 months, Mr. Shailesh Chavan, learned Advocate for the Applicant would be justified in pressing into service the right of Applicant to have speedy trial. Applicant cannot continue to be incarcerated as an under-trial, indefinitely. It is unlikely that the trial can be concluded within a reasonable period. This Court is therefore constrained to enlarge the Applicant on bail on the sole ground of long incarceration and slow progress in the trial.

9. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that the prosecution has apprehension of the Applicant influencing the prosecution witnesses and tampering with the evidence, if released on bail. He submits that the Applicant has criminal antecedents and therefore, stringent conditions including the Applicant remaining out of District-Satara, be imposed.

10. Mr. Shailesh Chavan, learned Advocate submits that if indulgence is shown to the Applicant in the present Bail Application, then he has instructions from the Applicant to state that pending the conclusion of trial in Sessions Case No. 7 of 2023, the Applicant shall not enter the territorial jurisdiction of District-Satara except for attending the hearing of the said case. Statement accepted.

11. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 111 of 2018 registered with Khandala Police Station, District-Satara for the offence punishable under Section 302 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, Wai, District-Satara.
- 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, Khandala Police Station, District-Satara 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. 7 of 2023 and shall regularly attend the hearing of the case pending on the file of Additional Sessions Judge, Wai, District-Satara, on each and every date, unless exempted from appearance.

- f. Applicant shall not enter the territorial jurisdiction of District-Satara, till conclusion of the trial of Sessions Case No. 7 of 2023, except for attending the hearing of the said case.

12. Criminal Bail Application No. 2664 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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