

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

CRIMINAL BAIL APPLICATION NO. 2752 OF 2025

Sagar Yada Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ghanasham Jadhav, learned Advocate for the Applicant.
 Ms. Madhavi H. Mhatre, learned A.P.P. for the State/Respondent.
 PI Mr. H. V. Chavhan attached to Daund Police Station, District-Pune is present in the Court.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 17th JULY 2025.**

P.C. :

1. Heard Mr. Ghanasham Jadhav, 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. 165 of 2017 registered with Daund Police Station, District-Pune for the offence punishable under Section 395 of the Indian Penal Code, 1860 (“**IPC**” for short).

3. Mr. Ghanasham Jadhav, learned Advocate for the Applicant submits that the abovesaid crime is now registered as Sessions Case No. 160 of 2017 and is pending on the file of learned Additional Sessions Judge, Baramati, District-Pune.

4. There are 12 accused persons in the present crime. Applicant is Accused No. 2.

5. Case of the prosecution is that the accused persons entered into the house of Informant, Mahadev Lonkar by breaking the latch with the help of a crowbar, removed gold ornaments and cash amount of Rs. 60,000/-, thereby committing dacoity.

6. Applicant was arrested on 25th July 2017 and since then he is in jail. Bail Application at Exhibit-117 filed by the Applicant in Sessions Case No. 160 of 2017 was rejected by the learned Additional Sessions Judge, Baramati on 22nd November 2024.

7. Mr. Ghanasham Jadhav, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of long incarceration of Applicant and denial of Applicant's right of speedy trial. He on instructions submits that charge in Sessions Case No. 160 of 2017 is not framed till today. He submits that the trial has not commenced and there is no possibility of trial being concluded in the near future. He submits that there are 24 prosecution witnesses listed by the prosecution. 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. He submits that Accused nos. 1 and 4 to 9 in the said crime have been released on bail. He submits that Accused Nos. 10 and 12 are absconding.

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

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

8. Ms. Madhavi Mhatre, learned A.P.P for the State/Respondent submits that though charge is framed, however the trial has not commenced.

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

10. Applicant is seeking bail on the ground of his long incarceration. As per the prosecution charge is framed, however, the trial has not commenced. Applicant is in jail since the year 2017. Mr. Ghanasham Jadhav, learned Advocate for the Applicant in the circumstances would be justified in pressing into service Applicant's right of speedy trial. Applicant cannot continue to be incarcerated as an under-trial prisoner, indefinitely. There is no prospect of conclusion of the said trial in the near future. This Court is therefore constrained to enlarge the Applicant on bail on the sole ground of long incarceration, as the Applicant is in jail for almost 8 years.

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. 165 of 2017 registered with Daund Police Station, District-Pune for the offence punishable under Section 395 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, Baramati.

- 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 shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 160 of 2017, pending on the file of Additional Sessions Judge, Baramati, on each and every date, unless exempted from appearance.
- e. 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, Daund Police Station, District-Pune and shall keep the same updated, in case of any change thereto.

12. Criminal Bail Application No. 2752 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.07.17
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