

Nikita

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

BAIL APPLICATION NO.2792 OF 2025

NIKITA
KAILAS
DARADE
ADVOCATE
SPECIAL COURT FOR
JUVENILES
BOMBAY

Hemant Kisan More

... Applicant

V/s.

The State of Maharashtra

... Respondent

Ms.Sana Raees Khan a/w Mr. Sumit Sharma a/w Ms.
Neha Balani a/w Ms. Vidya L. for the Applicant.

Mr. A. A. Palkar, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 17th JULY, 2025

P.C.:

1. Heard Ms. Sanna Raees Khan, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the State.
2. Ms. Sana Khan submits that the Applicant was arrested on 02.08.2021, however till date charge is not framed in Sessions Case No.548 of 2022. She submits that for about 62 dates the Applicant (Accused No.1) was neither produced before the Court nor produced through V. C. facility.
3. Issue notice to the Respondent, returnable on 28th July, 2025.
4. The Hon'ble Supreme Court in the case of Siddhant @ Sidharth Balu Taktode Vs. The State of Maharashtra and Anr.¹ in paragraph Nos. 10, 15 and 16 of its order dated 18.12.2024, has observed as under:

“10. The material placed on record would reveal that for a period of the last six years, out of 102 dates, the accused has

not been produced before the Court either physically or through virtual mode on most of the dates. On the last date, we had put a query to the learned counsel appearing for the State as to why the charges were not framed as of date in this case. Shri Kilor fairly states that the charges have not been framed in the cases which are registered prior to the registration of the present case. We may say with anguish that this is a very sorry state of affairs. If an accused is incarcerated for a period of approximately five years without even framing of charges, leave aside the right of speedy trial being affected, it would amount to imposing sentence without trial. In our view, such a prolonged delay is also not in the interest of the rights of the victim.

15. It is pertinent to mention that during the hearing of the present appeal, as already discussed above, a sorry state of affairs is being depicted. The trial is being prolonged on the ground that the appellant is not produced before the Trial Judge either physically or virtually. We are informed that this is not a solitary case but in many cases such a difficulty arises.

16. We, therefore, direct the Registrar General of the High Court of Judicature at Bombay, Secretary, Home, State of Maharashtra and Secretary, Law and Justice, State of Maharashtra to sit together and evolve a mechanism to ensure that the accused are produced before the Trial Judge either physically or virtually on every date and the trial is not permitted to be prolonged on the ground of non-production of the accused persons.

5. Mr. A. A. Palkar, learned APP for the State waives service of notice on behalf of the Respondent and seeks a weeks time to file reply on the issue of non production of the Applicant in Sessions Case No.548 of 2022, as raised by Ms. Sana Khan.

6. At the request of Mr. A. A. Palkar, learned APP and by consent of the parties, list the matter on **28th July, 2025**.

(ASHWIN D. BHOBE. J.)