

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

Criminal Bail Application No.2792 of 2025

Hemant Kisan More

Age 36 years, Indian Inhabitant,
Residing at: Shiv Sambho Nagar,
Manjri Khurd, Taluka: Haveli,
Pune, Maharashtra -412 307.

... Applicant

Versus

The State of Maharashtra
@ Lonikand Police Station,
Vide C.R. No.399 of 2021

...Respondent

Ms Sana Raees Khan a/w Ms Neha Balani, for the applicant.
Mr P P Jadhav, APP, for respondent / State.

**Coram: R.N. Laddha, J.
Date: 22 December 2025**

P.C.:

By this application the applicant seeks bail in connection with CR No.399 of 2021, registered at Lonikand Police Station, Pune City, for offences punishable under Sections 302, 324, 323, 143, 147, 148, 149, and 120-B of the Indian Penal Code; Sections 4 read with 25 of the Arms Act, 1959, and Sections 37(1), 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that on 1 August 2021,

the applicant, bearing animosity arising from previous altercations, in collusion with the co-accused, formed an unlawful assembly and assaulted Vikas Sonawane with a sickle and stones, inflicting grievous injuries that proved fatal, thereby committing his murder.

3. The learned counsel appearing for the applicant, while asserting the applicant's innocence, has vehemently contended that the applicant has been falsely implicated in the present crime. It is submitted that the weapon purportedly used in the commission of the offence was not recovered at the instance of the present applicant but allegedly discovered pursuant to the disclosure statement of a co-accused. The applicant has no prior criminal antecedents. It is specifically contended that the applicant bore no animosity, personal enmity, or prior dispute with the deceased, and there is no material on record to suggest that the applicant had any motive or intention to commit the alleged offence.

4. It is further submitted that the applicant has not been produced before the competent Court for over sixty-nine dates and has been languishing in jail since 2 August 2020. Despite such a long period of incarceration, charges have not been framed to date. The applicant has no criminal antecedents. Ms Khan further points out that out of the total five accused, three

have already been enlarged on bail, and one of them has been granted bail by the Hon'ble Supreme Court. It is thus argued that the principle of parity squarely applies to the applicant.

5. Furthermore, the learned Counsel submits that the applicant is ready to abide by any conditions this Court deems fit to impose, including residing outside the territorial jurisdiction of the Pune District till the conclusion of the trial. The learned Counsel also relied on the following judgments : (i) Siddhant @ Sidharth Balu Taktode Vs. State of Maharashtra & Anr., 2024 SCC OnLine SC 3798 and (ii) Javed Gulam Nabi Shaikh Vs. State of Maharashtra & Anr., (2024)9 SCC 813.

6. The learned Additional Public Prosecutor representing the respondent/State, vehemently opposed the present application for bail. It is submitted that the offence is of a grave nature. The applicant actively participated in the commission of the crime. The learned APP raises concerns about granting bail to the applicant, as he may tamper with the evidence or influence witnesses.

7. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. In Siddhant @ Siddharth Balu Taktode (supra) it was observed that where an accused is kept in incarceration for a period

extending to five years without even the framing of charges, it transcends a mere violation of the Constitutional right to a speedy trial. Such prolonged pre-trial detention, in effect, operates as a punitive measure and amounts to the imposition of a sentence without the benefit of trial, determination of guilt, or due process of law. Similarly, in *Javed Gulam Nabi Shaikh* (supra), the Hon'ble Supreme Court granted bail to the appellant/accused therein on the ground that he had remained incarcerated as an undertrial prisoner for a period exceeding four years, during which time the trial had not progressed even to the stage of framing of charges. The Hon'ble Supreme Court further observed that, irrespective of the gravity of the alleged offence, an accused is constitutionally entitled to the right to a speedy trial, as guaranteed under the Constitution of India.

8. In the present matter, it is not in dispute that over the past five years, out of a total sixty nine scheduled dates of hearing, the applicant/accused was not produced before the learned trial Court on sixty three occasions, either physically or through virtual mode. This persistent non-production has stalled the progress of the trial and has resulted in the applicant's continued incarceration. It appears from the record that the applicant has been incarcerated since 2 August 2020, and has thus undergone prolonged detention for a period exceeding

five years. It is a matter of record that the trial has not been commenced and the charges are yet to be framed. The applicant has no prior criminal antecedents. The prosecution proposes to examine as many as forty six witnesses, which, in the ordinary course of trial proceedings, renders the likelihood of early conclusion of the trial improbable. Additionally, the principle of parity also weighs in favour of the applicant, as the co-accused have already been enlarged on bail.

9. As regards the apprehension expressed by the prosecution regarding the possibility of tampering with evidence or influencing witnesses, the same can be addressed by imposing appropriate conditions. The applicant has expressed his unconditional willingness to abide by any terms and conditions imposed by this Court, including a condition requiring him to remain outside the territorial limits of Pune District until the conclusion of the trial.

10. In view of the aforesaid, this Court is inclined to grant bail to the applicant. Hence, the following order :

Order

- (i) The applicant shall be released on bail in CR No.399 of 2021, registered at Lonikand Police Station, Pune City, upon executing a PR Bond of Rs.25,000/- and

furnishing one or more sureties in the like amount to the satisfaction of the learned trial Court.

(ii) The applicant shall not tamper with the evidence or influence witnesses in any manner.

(iii) The applicant shall not enter the territorial jurisdiction of Pune District till the conclusion of the trial, save and except to attend the trial proceedings.

(iv) The applicant, upon his release, shall furnish his residential address with proof and contact details to the Inspector of the concerned Police Station, and shall inform the concerned Officer of any change therein.

(v) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for a valid reason.

11. Accordingly, the present bail application stands disposed of.

[R.N. Laddha, J.]