

AGK

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

BAIL APPLICATION NO.2846 OF 2025

Nasir Raees Khan	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Sana Shaikh with Ms. Nisha Kalariya for the applicant.

Ms. Supriya Kak, APP for the respondent-State.

Mr. Mangesh Kad, API, Nayanagar Police Station, is present.

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2025.08.21
19:03:13
+0530

CORAM : AMIT BORKAR, J.

DATED : AUGUST 21, 2025

P.C.:

1. By the present bail application filed under Section 439 of the Code of Criminal Procedure, 1973 ("Cr.P.C."), the applicant seeks his release on regular bail in connection with Crime Register No. 100 of 2020 registered with Naya Nagar Police Station. The applicant is charged for the offence punishable under Section 302 of the Indian Penal Code, 1860 ("IPC"), alleging commission of murder of his wife.

2. As per the prosecution case, on 17 March 2020 at about 3.30 p.m., the applicant allegedly committed murder of his wife, Sameen, by pressing her neck. It is alleged that after the incident, the applicant himself informed his sister, Farida Shagir Khan, who

in turn informed Naya Nagar Police Station. The police, along with the informant, visited the premises at 108, Geeta Nagar, Phase No.1, Geeta Darshan CHS, Mira Road (West), where the dead body of Sameen was found. The prosecution has further relied upon the notes allegedly written by the applicant on the wall of the house, wherein he admitted killing his wife on account of her alleged extra-marital relationship with one Deepak Thakur. Based on this information, the present crime came to be registered.

3. Learned Advocate for the applicant submitted that the applicant has been in custody since 23 March 2020 and has thus undergone more than five years of incarceration as an undertrial. She submitted that the trial is yet to be completed. It is pointed out that by order dated 19 April 2024, a coordinate Bench of this Court had directed the Trial Court to conclude the trial on or before 31 December 2024. However, the trial has not concluded till date, which shows that there is delay on part of the prosecution. Learned Advocate submitted that continued detention of the applicant would amount to violation of his right under Article 21 of the Constitution of India. She, therefore, prays that the applicant be released on regular bail pending conclusion of the trial.

4. Per contra, the learned APP opposed the application. She submitted that this Court, while rejecting the earlier bail application of the applicant by order dated 19 April 2024, had considered the merits of the case and found prima facie evidence against the applicant. According to her, the trial is now at its concluding stage. The last witness, namely, the Investigating

Officer, is under cross-examination. Once this is over, the matter will be posted for final arguments, and it is expected that the trial will be concluded within a period of about three months. Learned APP contended that at such an advanced stage of trial, releasing the applicant on bail would not be proper. She, therefore, prayed for rejection of the present bail application.

5. I have considered the rival submissions and perused the record. It is not in dispute that the applicant is in custody since 23 March 2020. It is also true that the trial has not yet been concluded despite the earlier direction of this Court to complete the trial before 31 December 2024. However, it is pertinent to note that the earlier bail application of the applicant came to be rejected on merits by this Court by order dated 19 April 2024, after considering the material against the applicant.

6. At present, the prosecution evidence is almost complete. The cross-examination of the last witness, namely, the Investigating Officer, is going on before the Trial Court. Therefore, the trial has reached its final stage. In these circumstances, granting bail to the applicant at this advanced stage of trial would not be justified, particularly when the allegations are of committing murder of his wife, which is a serious and heinous offence punishable under Section 302 of the IPC.

7. At the same time, the right of the applicant to an expeditious trial cannot be overlooked. It is the duty of the prosecution and the Trial Court to ensure that the trial is completed within a reasonable time. Considering the fact that only limited evidence is

remaining, interest of justice would be served if a direction is issued to the Trial Court to conclude the trial within a fixed time-frame.

8. In view of the above discussion, the bail application is rejected. The Trial Court is directed to conclude the trial in Sessions Case arising out of Crime Register No. 100 of 2020 registered with Naya Nagar Police Station as expeditiously as possible and within a period of three months from today. The Trial Court shall not grant unnecessary adjournments to either of the parties and shall proceed with the trial on day-to-day basis, if required.

9. It is made clear that the observations made herein are prima facie and confined only to the decision of the present bail application. The Trial Court shall decide the case on its own merits without being influenced by these observations.

10. Accordingly, the bail application stands rejected.

(AMIT BORKAR, J.)