

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3206 OF 2025**

Rajesh Ramashankar Yadav ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. Shaikh Abdul Kalam, *for the Applicant.*
Ms Megha S Bajoria, *APP for the State-Respondent.*
Mr Mahesh Shelake, *PSI attached to Oshiwara Police Station,*
present.

CORAM Dr. Neela Gokhale, J.
DATED: 13th NOVEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R.No.559 of 2022 dated 29th April 2022 registered with the Oshiwara Police Station, Mumbai for the offences punishable under Sections 302, 323, 504, 341 and 34 of the Indian Penal Code, 1860 ('IPC') and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

2. The proceedings in the present matter, indicate that there are in all 3 accused persons. The Applicant is the

Accused No.1. Accused Nos.2 and 3 are already enlarged on bail by orders of this Court. The Applicant was arrested on 29th April 2022 and since then, he is in custody.

3. The facts of the case revealed that there was a petty quarrel between the deceased and the 3 accused persons on 29th April 2022 at around 1.15 a.m. The allegations against the Applicant is that at the time of alleged incident, the Applicant stabbed the deceased with knife. Pursuant to the FIR registered by the Police, the accused including the Applicant herein, were arrested.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, Sessions Court, Borivali Division, Dindoshi, Mumbai, however, by an order dated 21st February 2024, the same came to be rejected.

5. Thereafter, the Applicant preferred Bail Application No.1254 of 2024 before this Court and by an order dated 24th January 2025, this Court permitted the Applicant to withdraw

the Bail Application with liberty to file a fresh application if there was no progress in the trial after six months.

6. Today, i.e., after a period of more than 6 months, only the charges are framed and there is no substantial progress in the trial.

7. Ms. Megha Bajoria, learned APP representing the State, contests the Bail Application and submits that this is not a case of long incarceration of the Applicant as the charges are framed and the witnesses are to be examined before the Trial Court on the next date. She further submits that prosecution intends to examine in all 10-15 witnesses. In these circumstances, she submits that the trial is likely to conclude in a foreseeable future. She also points to the statements of the witnesses, who have stated that they saw the Applicant causing stab injuries to the deceased. In any case, the evidence in that regard will be led and appreciated by the Trial Court during the course of the trial.

8. Only having regard to the order dated 24th January 2025 passed by this Court granting liberty to the Applicant to file a fresh Bail Application after a period of 6 months if there was no substantial progress in the trial till then and also the fact that the Co-accused are also enlarged on bail, I am inclined to grant bail to the Applicant. Hence, the following order is passed:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned once in a month on the first Monday of every month between 11:00 a.m. to 02:00 p.m.;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
2025.11.14
12:54:14
+0530