

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3235 OF 2025

Sagar Pradeep Yerunkar

..Applicant

Versus

State of Maharashtra

...Respondent

Mr. Jayant Bardeskar, for the Applicant

Mr. Y.M. Nakhawa, APP, for the Respondent-State.

Mr. Rajesh Ahire, PSI, Kulra Police Station present.

CORAM: N. J. JAMADAR, J.

DATED : 12th AUGUST 2025

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** The Applicant, who is arraigned in CR No. 6 of 2023 registered with Kulra Police Station for the offences punishable under Sections 120B, 307, 212 of the Indian Penal Code and Section 3 read with Section 25 and Section 27 of the Arms Act, 1959, has preferred this Application to enlarge him on bail.
- 3.** In fact this is the third Application for bail. The first Application, being BA No. 365 of 2024, was rejected by this Court by recoding reasons, by an order dated 25th January 2024.
- 4.** The Applicant assailed the said order in SLP (Criminal) No. 3729 of 2024. However, the said SLP was withdrawn on 18th March 2024.

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5. The Applicant thereafter preferred second Bail Application being BA No. 4544 of 2024. On 5th February 2025, the said Application was withdrawn with liberty to revive the prayer for bail in the event charge is not been framed within a period of six months.

6. Mr Bardeskar, the learned Counsel for the Applicant, submits that charge has not yet been framed. The Applicant has been in custody since 13th January 2023. The Applications for discharge preferred by the co-accused are yet to be decided. It is extremely unlikely that the charge can be framed, much less the trial can be concluded, in a near future. Therefore, having regard to the fact the Applicant has been in custody since 13th January 2023 and none has suffered hurt in the alleged incident, the Applicant be enlarged on bail, submitted Mr. Bardeskar.

7. Mr. Nakhawa, the learned APP, resisted the Application. It was submitted that the Applicant is the prime accused. The Applicant had fired at the victim. The Applicant has been identified in the identification period. Therefore, the Applicant does deserve to be enlarged on bail..

8. While rejecting the first Application, this Court has delved into the merits of the prayer for bail. This Court found that a very strong *prima facie* case was made out against the Applicant and, therefore, declined to exercise the discretion in favour of the Applicant, at that stage.

9. However, now the period of long incarceration of the Applicant without the prospect of conclusion of the trial within a reasonable period deserves to be taken into account. Evidently, despite the order dated 5th February 2025 that the Applicant can revive the prayer for bail in the event charge is not framed within a period of six months, the charge has yet not been framed.

10. On perusal of the roznama of the proceedings, it appears that, the discharge applications preferred by co-accused are awaiting adjudication. The Applicant has been in custody for over 2 years 7 months. Since in the alleged incident hurt has not been caused to any person, the offence under Section 307 may entail the punishment which may extend to 10 years.

11. Having regard to the pace of the proceedings before the Court of Session, the number of accused, the number of witnesses the prosecution may be required to examine, it is extremely unlikely that the trial can be concluded within a reasonable period. It is trite, long period of incarceration without a realistic prospect of conclusion of the trial impairs the right of the accused to speedy trial, which is a facet of the right to life guaranteed under Article 21 of the Constitution of India.

12. In these circumstances, I am inclined to exercise the discretion in favour of the Applicant on account of long period of incarceration.

13. Hence the following order:

: O R D E R :

- i] The bail application stands allowed.
- ii] The applicant Sagar Pradeep Yerunkar be released on bail in Sessions Case No. 308 of 2023 arising out of CR No. 6 of 2023 registered at Kurla Police Station, on furnishing a PR. Bond in the sum of Rs.50,000/- (fifty thousand) with one or two sureties in the like amount to the satisfaction of the learned Special Judge.
- iii] The applicant shall mark his presence at the Kurla Police Station, between 10.00 am. to 12.00 noon, on first Monday of every month, for the period of three years or till conclusion of the trial, whichever is earlier.
- iv] The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.
- v] On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- vi] The applicant shall not leave India without prior permission of the Trial Court.

vii] The applicant shall regularly attend the proceedings before the jurisdictional Court.

vii] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

[N. J. JAMADAR, J.]