

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3245 OF 2025

Laxmikant Shrikrishna Narvekar. ...Applicant.

Versus

State of Maharashtra. ...Respondent.

Ms. Keral Mehta, Advocate for the Applicant.

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

CORAM: ASHWIN D. BHOBE, J.

DATED: 4th SEPTEMBER, 2025.

PC:-

1. Heard Ms. Keral Mehta, learned Advocate for the Applicant and Mr. Palkar, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant is seeking regular bail in Crime No. 122 of 2017 registered with Satana Police Station, Dist. Nashik for the offences punishable under Section 420, 406, 409, 120(b) of the Indian Penal Code and Section 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short "MPID Act"). Said Crime is registered as Sessions Case No. 16 of 2018 and is pending before the Court of the Additional Sessions Judge, Malegaon.

3. Ms. Keral Mehta, learned Advocate for the Applicant states that there are two accused in Crime No. 122 of 2017. She submits that the Applicant is Accused No. 1.

4. Applicant was arrested on 6th December, 2017. Bail Application at Exh. 12 filed in Sessions Case No. 16 of 2018 was rejected by the Court of the Additional Sessions Judge, Malegaon by order dated 5th December, 2024.

5. Ms. Keral Mehta, learned Advocate for the Applicant submits that the Applicant is seeking bail on the sole ground of Applicant's long incarceration. She submits that though charge is framed on 1st June, 2022, till date no witnesses have been examined. She submits that there are about 50 prosecution witnesses cited by the prosecution. She submits that there is no end of trial in near future.

6. Mr. Palkar, learned APP does not dispute that the Applicant is in jail for almost 6 years and 6 months. He submits that though charge is framed, no witnesses have been examined till date. He submits that there are 31 case against the Applicant.

7. Perused the record with the assistance of the learned Advocates for the parties.

8. Fact of the Applicant being in jail for almost 6 years and 6 months is not in dispute. Records indicate that though the charge is framed, no witnesses have been examined.

9. The Hon'ble Supreme Court in the case of *Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Asnari v/s. State of Uttar Pradesh*¹ has observed thus :

“23. This Bench in a recent decision dated 03.07.2024 in Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India. That was also a case where fake counterfeit Indian currency notes were seized from the accused-appellant. He was investigated by the National Investigating Agency (NIA) under the National Investigating Agency Act, 2008 and was charged under the UAP Act alongwith Sections 489B and 489C IPC. He was in custody as an undertrial prisoner for more than four years. The trial court had not even framed the charges. It was in that context, this Court observed as under:

9. Over a period of time, the trial courts and the High Courts have forgotten a very well settled principle of law that bail is not to be withheld as a punishment.

23.1. After referring to various other decisions, this Court further observed as follows:

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.

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26. Angela Harish Sontakke Vs. State of Maharashtra is a case where the accused-appellant was charged under various provisions of the UAP Act as well as under the IPC. He sought for bail. This Court observed that, undoubtedly, the charges are serious but the seriousness of the charges will have to be balanced with certain other facts like the period of custody suffered and the likely period within which the trial can be expected to be completed. In that case, it was found that the appellant-accused was in custody since April, 2011 i.e. for over five years. The trial was yet to commence. A large number of witnesses were proposed to be examined. It was in that context that the appellant-accused was directed to be released on bail.

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1 (2024) SCC Online SC 1755

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30.1. Thereafter, this Court held as follows:

7.1. We are dealing with a case of the accused whose guilt is yet to be established. So long as he is not held guilty, the presumption of innocence is applicable. He cannot be deprived of all his rights guaranteed under Article 21.....

32. This Court has, time and again, emphasized that right to life and personal liberty enshrined under Article 21 of the Constitution of India is overarching and sacrosanct. A constitutional court cannot be restrained from granting bail to an accused on account of restrictive statutory provisions in a penal statute if it finds that the right of the accused-undertrial under Article 21 of the Constitution of India has been infringed. In that event, such statutory restrictions would not come in the way. Even in the case of interpretation of a penal statute, howsoever stringent it may be, a constitutional court has to lean in favour of constitutionalism and the rule of law of which liberty is an intrinsic part. In the given facts of a particular case, a constitutional court may decline to grant bail. But it would be very wrong to say that under a particular statute, bail cannot be granted. It would run counter to the very grain of our constitutional jurisprudence. In any view of the matter, K.A. Najeeb (supra) being rendered by a three Judge Bench is binding on a Bench of two Judges like us.”

10. In Crime No. 122 of 2017, the maximum punishment as far as Section 420 of the Indian Penal Code is concerned, would be 7 years. Maximum Punishment in respect of Section 3 and 4 of the MPID Act would be 6 years. As far as Section 409 of the Indian Penal Code is concerned, prima facie, there is a doubt about the applicability of the same against the Applicant.

11. In view of the above said facts, Ms. Keral Mehta, learned Advocate for the Applicant would be justified in pressing Applicant’s right of denial of speedy trial. Applicant cannot be continued to be incarcerated as an under-trial indefinitely. It is on the sole ground of long incarceration, this Court is compelled to enlarge the Applicant on bail.

12. Ms. Keral Mehta, learned Advocate for the Applicant submits that the

Applicant who is involved in another Crime No. 80 of 2017 has been enlarged on bail by this Court vide order dated 26th August, 2024 passed in Criminal Bail Application No. 1501 of 2024, which is on record at Exh. E-2. Perusal of the said order indicates that the Applicant was released on bail on the sole ground of he being incarcerated in the said crime for almost 6 years and 6 months.

13. Mr. Palkar, learned APP for the State submits that vide order dated 21st July 2025 passed in Writ Petition No. 6165 of 2019, the Crime No. 122 of 2017 alongwith other crimes have been transferred and allotted to the Court of Special Designated MPID Court at Nashik.

14. In view of the above, Bail Application is allowed on the following conditions :

(a) Applicant be released on bail in Crime No. 122 of 2017 registered with Satana Police Station, Dist. Nashik upon furnishing PR. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the Special Designated MPID Court at Nashik.

(b) 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 such person from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

(c) Applicant upon release within 3 days shall furnish his

residential addresses with proof and contact details to the Investigating Officer, Satana Police Station, Nashik.

(d) Applicant shall attend each and every date of hearing in Sessions Case No. 16 of 2018 before the Special Designated MPID Court at Nashik, unless exempted.

(e) Applicant, upon his release, within 3 days shall surrender his passport, if any, to the Special Designated MPID Court at Nashik, which is seized of Crime No. 122 of 2017.

15. Bail Application No. 3245 of 2025 is allowed and disposed of on the above terms.

(ASHWIN D. BHOBE,J.)