

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3653 OF 2025

Bhajansingh Sardarsing Jadhav ...Applicant
Versus
State of Maharashtra ...Respondent

Mr Kunal Aher, with *Gourish Satpute*, for the Applicant.
Ms Anamika Malhotra, APP for the Respondent-State.
PSI Rahul Patil, attached to Narpoli Police Station present.

CORAM Dr. Neela Gokhale, J.
DATED: 23rd September 2025

PC:-

1. The Applicant seeks his release on bail in connection with Crime No.365 of 2020 registered with the Narpoli Police Station, District: Thane for the offences punishable under Sections 302 and 201 of the Indian Penal Code (IPC), 1860.
2. At the very outset, Ms Anamika Malhotra, learned APP representing the State, has brought to my notice an order dated 31st July 2024 passed by a co-ordinate Bench of this

Court in a previous bail application made by the present Applicant.

3. I have perused the said order and it is evidenced that this Court was not inclined to enlarge the Applicant on bail on merits. However, at the time of passing the said order, it transpired that the charges were not even framed by the Trial Court. Hence, this Court directed the Trial Court to frame charges, if not already framed, within six weeks from the date of the said order, i.e., from 31st July 2024. This Court also directed that the trial be completed as expeditiously as possible and in any case, within a period of one year from the date of said order. This Court had reserved the liberty of the Applicant to renew his prayer for bail if the trial was not completed within the stipulated period of time and the delay was not attributable to the Applicant.

4. Today, Ms Malhotra, on instructions, states that the prosecution intends to examine six witnesses out of which

three witnesses have already been examined. She also states that the trial is likely to conclude within the next two months .

5. Mr. Kunal Aher, learned counsel appearing for the Applicant, however, insists that the Bail Application be heard on merits. He also submits that the prosecution had originally submitted a list of 47 witnesses in the Trial Court.

6. In view of the fact that this Court by its order dated 31st July 2024 has already considered the case of the Applicant on merits and observed that a *prima facie* case is indeed made out against the Applicant for the offence punishable under Section 302 of the IPC, I am not inclined to appreciate the case of the Applicant on merits again. It is only on the basis that the trial was proceeding at a snail's pace that this Court granted liberty to the Applicant to renew his prayer for bail after a period of one year from the date of that order, being 31st July 2024.

7. Since Ms Malhotra learned APP, representing the State, on instructions, submitted that only three witnesses remain to be examined, I am not inclined to consider Mr. Aher's request for enlarging the Applicant on bail on the ground of long incarceration.

8. Considering the aforesaid discussion, the Bail Application is rejected.

(Dr. Neela Gokhale, J)

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