

AGK

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

**BAIL APPLICATION NO.4950 OF 2024
WITH
INTERIM APPLICATION NO.1870 OF 2025**

Rinku Kumar Raju Harijan	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Sagar R. Agarkar, APP for the respondent-State.

CORAM : AMIT BORKAR, J.

DATED : JULY 18, 2025

P.C.:

1. The applicant has approached this Court by filing the present application seeking regular bail in connection with Crime Register No. 299 of 2017 registered with Borivali Police Station for offences punishable under Sections 302 and 325 of the Indian Penal Code, 1860 (for short, "IPC").

2. As per the case of the prosecution, the incident in question occurred on 4th July 2017. It is alleged that on that day, the applicant assaulted the deceased by hitting him on the head with a paver block. Initially, the offence was registered under Section 324 of IPC. However, since the injured person later succumbed to the injuries, Section 302 of IPC came to be added. The applicant was arrested on the very same day, i.e., 4th July 2017, and since then, he has been in custody.

3. During the course of the trial, the prosecution has examined in all 11 witnesses. It is informed that only the evidence of the first informant, i.e., the complainant, remains to be recorded. However, despite efforts made by the Investigating Officer to trace the informant in the State of Bihar, he could not be located, and hence, the trial has been stalled for want of this remaining evidence. As a result, the applicant continue to remain in jail for more than 7 years. Office order dated 3 July 2025 filed by the prosecution is taken on record to that effect.

4. On perusal of the record, and considering the nature of the allegations, the role attributed to the applicant, and the manner in which the assault is stated to have taken place, this Court is of the view that the further detention of the applicant will serve no useful purpose at this stage. The prosecution has already examined the material witnesses and, except for the complainant whose whereabouts are now untraceable, there is no further substantial progress in the trial. In such circumstances, continued incarceration of the applicant amounts to prolonged pre-trial detention, which offends the spirit of Article 21 of the Constitution of India.

5. It also appears from the record that the applicant is a labourer by occupation and is not financially well off. He may not be in a position to furnish a solvent surety even to the extent of ₹15,000/-. Considering his weak economic background, it would be just and appropriate to enlarge him on bail on his furnishing cash surety in lieu of solvent surety.

6. Taking an overall view of the matter, this Court is of the considered opinion that the applicant has made out a prima facie case for grant of bail. Accordingly, the following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.299 of 2017 registered with Borivali Police Station for offences punishable under Sections 302 and 325 of the IPC, upon furnishing cash surety in the amount of Rs.10,000/- (Rupees Ten Thousand Only), subject to the following conditions:
 - a) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - b) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause or exempted by the Court.
 - c) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - d) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - e) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

7. The bail application is allowed and disposed of.

8. In view of this order, the interim application does not survive and is disposed of as infructuous.

(AMIT BORKAR, J.)