IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 599 OF 2026

Vijay Sakharam Kadam .... Applicant
V/s.
The State of Maharashtra ...Respondent

Mr.Prakash N. Wagh for the Applicant.
Ms. Veera Shinde, APP for the Respondent – State.
Mr. S.S. Honmane, API, Kolsewadi Police Station, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 14th OCTOBER, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. The applicant seeks his release on bail in Cr.No.110/2022 registered with Kolsewadi Police Station, Thane for the offence punishable under Sections 364 (A), 384, 385, 294, 324, 323, 504, 506 and 34 of the Indian Penal Code, 1860 ("IPC"), on the report dated 05.03.2022 filed by Saurabh Subhash Khakal.

3. The prosecution case is that the informant had taken a contract of construction of a wall of the railway yard. It is alleged that, when the construction was going on, the applicant demanded ransom money from the informant to allow him to do that work. Initially, Rs.5,000/- were given to the applicant. It is alleged that, thereafter also the applicant used to demand money by threatening. But, his demands were ignored. Consequently, on 04.03.2022, at about 01:00 p.m., the applicant along with Accused Nos.2 to 4 abducted the labourers and wrongfully confined them in a room, assaulted them and demanded ransom of Rs.10 Lakhs.

Further, he threatened that if the ransom amount is not given, he would kill the labourers. Therefore, the aforesaid crime came to be registered and on completion of investigation, police submitted the charge-sheet.

The trial Court refused to release the applicant on bail. Thereafter, the applicant filed BA/284/2023 which came to be disposed of as withdrawn as this Court was not inclined to grant bail. However, liberty was granted to the applicant to file fresh bail application if the trial was not started within two years. Thereafter, the applicant filed BA/2295/2025 which was also withdrawn as after hearing the submissions and upon a prima facie consideration of the material on record, this Court was not inclined to grant the relief as prayed. However, the trial Court was directed to make an endeavour to complete the trial within six months and, the applicant was allowed to revive his prayer for bail, in case, the trial was not completed within six months.

4. Mr. Wagh, the learned Counsel for the applicant submitted that the charge was framed on 09.01.2025. Till the date, no witness is examined. The applicant is not responsible for delay in the trial. Therefore, the applicant is entitled for bail on the ground of prolonged incarceration.

5. In reply, Ms. Shinde, the learned APP submitted that the applicant had not engaged his Advocate to appear before the trial Court. He has appointed his Advocate on 28.09.2026. Meanwhile, the co-accused persons were remaining absent, intermittently. Therefore, the trial could not advance. Ms. Shinde, on instructions from Mr. Honmane - API, submitted that the prosecution will examine the material witnesses and conclude the trial at the earliest. Therefore, she prayed to reject the application.

6. I have considered these submissions. The applicant is in jail for four years and seven months. The charge is framed on 09.01.2025. Till the date, no prosecution witness is examined in the case. The applicant was not responsible for the delay in framing of the charge nor for the absence of the co-accused persons. The applicant has no criminal antecedents. He is not likely to abscond and tamper with the prosecution evidence. Therefore, the applicant is entitled for bail on the ground of prolonged incarceration, but, with stringent conditions. Hence, following Order :-

(i) The applicant – Vijay Sakharam Kadam be released on bail in Cr.No.110/2022 registered with Kolsewadi Police Station, Thane on his executing a P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Kolsewadi Police Station, Thane on 1st and 16th day of a month, initially, for six months and thereafter, on 1st day of each month, between 10:00 a.m. to 11:00 a.m., till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) On being released from jail, 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.

(v) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the

prosecution witnesses to prevent them from deposing against him.

(vi) In case of breach of any of the above conditions, the prosecution will be at liberty to seek cancellation of the bail.

(vii) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail Application. The trial Court shall decide the said case without getting influenced by any of the said observations.

7. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

PREETI HEERO JAYANI
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