IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2722 OF 2025

Mohammad Aslam Mohammad Nisfullah Ansari .... Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Ravishankar Dwivedi a/w. Mr. Satish Shukla, Ms. Aishwarya Pandit, Ms. Sakshi Singh and Mr. Sainath Baji for the Applicant.
Mr. R.M. Pethe, APP for the Respondent – State.
Mr. Salve, PSI, Hill Line Police Station, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 1st OCTOBER, 2026

P.C. :-

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

2. The applicant seeks his release on bail in Sessions Case No.190/2020 pending before the learned Additional Sessions Judge, Kalyan, Dist. Thane arising out of Cr.No.178/2018 registered with Hill Line Police Station, Ulhasnagar, Dist. Thane for the offences punishable under Sections 302, 364, 342 of the Indian Penal Code on the report dated 17.07.2018 filed by Mr. Ganesh Subhash Alhat.

3. The prosecution case is that on 16.07.2018, between 20:30 to 21:00 hours, the applicant embraced Ms. 'A' who was then aged 19 years. The said act was seen by the deceased – Harsh, aged 11 years. Therefore, the applicant committed murder of the deceased apprehending that he may disclose his said act to others. Therefore, the aforesaid crime came to be registered, applicant

was arrested and charge-sheet was filed. The trial court refused to release the applicant on bail. Thereafter, the applicant filed BA/395/2020 before this court. Said application was also rejected *vide* Order dated 11.02.2021. The applicant again approached the trial Court for bail, but, his said prayer got rejected.

4. Mr. Dwivedi, learned Counsel for the applicant submitted that the applicant is in jail since his arrest. The charge has been framed in the year 2024. Till the date, only three witnesses are examined. This is denial of the applicant's right to speedy trial guaranteed under Article 21 of the Constitution of India. Therefore, he urged to grant bail.

5. Considering the material on record, there is a prima facie case against the applicant. However, Mr. Pethe, the learned APP, on the other hand, tried his best to justify the progress of the trial and contended that, it has not violated the right to speedy trial of the applicant. Thus, he has opposed the application.

6. Admittedly, the applicant is in jail since last eight years and two months. The charge has been framed in the year 2024. Till the date, only three witnesses are examined. This indicates that the trial is progressing slowly. Nothing is pointed out from the record indicating that the applicant has been blameable for delay in the trial. Thus, the detention of the applicant without reasonable advancement of the trial has been denying him the right of speedy trial. The prosecution has cited 30 witnesses. Therefore, the trial is not likely to conclude in the near future. The detention of the applicant must be causing him hardship and making it punitive.

7. In view thereof, the applicant is entitled for bail on the ground of prolonged incarceration. Hence, following order :-

(i) The applicant – Mohammad Aslam Mohammad Nisfullah Ansari be released on bail in the aforesaid Sessions Case No.190/2020 pending before the learned Additional Sessions Judge, Kalyan, Dist. Thane, arising out of Cr.No.178/2018 registered with Hill Line Police Station, Dist. 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 Hill Line Police Station, Ulhasnagar, Dist. Thane on 1st and 16th day of a month, between 11:00 a.m. to 2:00 p.m., till conclusion of the trial.

(iii) The applicant shall not leave Thane District till conclusion of the trial.

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

(v) 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.

(vi) 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.

(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.

8. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

PREETI HEERO JAYANI
Digitally signed by PREETI HEERO JAYANI
Date: 2026.10.03 17:26:18 +0530