

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

BAIL APPLICATION NO. 3664 OF 2024

Roshan Bhaskar Naik

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Nitin Sejpal, *with Pooja N. Sejpal, for the Applicant.*

Ms. Anuja Sunil Gotad, *APP for the Respondent-State.*

CORAM DR. NEELA GOKHALE, J.

DATED: 18th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 282 of 2022 dated 9th October 2022 registered with the Churchgate Railway Police Station, Mumbai Railway for the offences punishable under Section 307 of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of the prosecution, in brief, is that, the Victim is the wife of the Applicant. The Applicant and the Victim were married 20 years ago. It is alleged that the wife was

treated with utmost physical and mental cruelty by the Applicant, resulting in her shifting to Vikaswadi, Kharekuran, Palghar along with two children. It is also alleged that on 9th October 2022 at around 15:00 hours at Churchgate Railway Station, the Applicant stabbed his wife twice on her stomach. He was immediately apprehended by the Police on the platform and his wife, i.e., the Victim was referred to JJ Hospital. The Applicant was arrested on 9th October 2022 itself pursuant to an FIR being registered against him.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay. However, by order dated 31st October 2023, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. At the outset, Mr. Nitin Sejpal, learned counsel appearing for the Applicant, draws my attention to an order dated 12th December 2025 passed by the Co-ordinate Bench of this Court. It is observed in the said order that despite the

Applicant being arrested in October 2022, till date, recording of evidence has not commenced. Hence, Co-ordinate Bench of this Court directed the Trial Court to record evidence of the Victim on priority basis. It is further recorded in the said order that if the evidence is recorded, the Applicant is at liberty to insist for grant of bail. Mr. Sejpal further submits that till date, there is no progress in the trial; the Applicant is behind bars for the past 5 years and has undergone almost half of the maximum sentence prescribed for the offence. In these circumstances, he prays that the Bail Application be allowed.

5. *Per contra*, Ms. Anuja Gotad, learned APP representing the State in the matter, submits that if the Applicant is released on bail, he is likely to intimidate his wife and will try to tamper with the prosecution witnesses. She further submits that charges are framed and trial will commence soon. She thus, resists the Bail Application.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the Applicant is in custody for last 5 years. Mr. Sejpal has tendered *Roznama* of the Trial Court, which clearly indicates that the prosecution witnesses have not been produced before the Trial Court for as many as last 7 dates. Consequently, the trial has not progressed and even the statement of the Victim has not been recorded in view of her absence before the Court. In these circumstances and considering that the Applicant has already been in custody for last 5 years, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall not enter territorial jurisdiction of the Palghar Police Station;

iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. The Bail Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

SHAMBHAVI
NILESH
SHIVGAN

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