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

CRIMINAL BAIL APPLICATION NO.2393 OF 2025

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Pradeep Balavant Tippe @ Pradip Balvant Tippe ...Applicant
V/s.
The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.2265 OF 2025
IN
CRIMINAL BAIL APPLICATION NO.2393 OF 2025

Ram Jagannath Karande ...Intervenor

IN THE MATTER BETWEEN :

Pradeep Balavant Tippe @ Pradip Balvant Tippe ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr.Prashant Pandey with Dinesh Jadhvani, Ridhima
Mangaonkar i/b W3Legal LLP for the Applicant.

Mr.Mayur Sonavane, APP for the Respondent – State.

Mr.Ajit Gondhali, PI attached to Pantnagar Police Station is
present in Court.

CORAM : R.M. JOSHI, J.
DATE : 6TH MAY, 2026.

P.C. :-

1. This is the second bail application in connection with Crime No.280 of 2021 registered with Pantnagar Police Station for the offences punishable under Sections 302, 141, 143, 144, 147, 148, 149, 109, 114, 120B r/w 34 of Indian Penal Code (IPC).

2. Undisputedly the first bail application bearing Bail Application No.1740 of 2022, was heard by this Court and after expressing disinclination to grant any relief to the Applicant, the application came to be dismissed. In this back-drop, the present application has been filed on the ground that the co-accused i.e. Juvenile in conflict with law, who is now being tried as an adult is enlarged on bail. It is also contended on behalf of the Applicant that he is in jail for a period of five years and though technically the trial has commenced, since the Applicant is not permitted to cross-examine the first witness being examined by the prosecution, it cannot be said that the trial has commenced against the present Applicant.

3. Learned counsel for the Applicant submits that though the bail application of the co-accused was withdrawn by an order

dated 9th January, 2026 passed in Bail Application No.2053 of 2025, it is his contention that now the law has been settled by the Hon'ble Supreme Court in the case of *Vaibhav Singh vs. State of Uttar Pradesh* indicating that the accused, if is denied the right of speedy trial and is likely to be in jail for years together for no fault of his, he cannot be denied bail for indefinite period irrespective of the nature and seriousness of the crime. Similarly, he placed reliance on the order of the Hon'ble Supreme Court in the case of *Sahil Manoj Machare vs. State of Maharashtra*, wherein the bail has been granted to the accused therein, who was in jail for a period of four years.

4. Learned APP opposed the application.
5. Since the first bail application of the Applicant has been rejected after considering the merits of the case, it is not open for this Court to enter upon the merits of the case again. Review of the previous order is wholly impermissible.
6. Insofar as the bail sought on the ground of long incarceration is concerned, the bail of the co-accused was considered by this Court on the same ground. It would be

relevant to take note the nature of order dated 9th January, 2026

which reads thus :-

“1. Ms. Bhosale, learned APP representing the State, on instructions, states that the trial has commenced and PW-1 is in the witness box and undergoing cross-examination.

2. In view of the statement made by Ms. Bhosale, learned APP, Mr. Bhanushali, learned counsel for the Applicant, on instructions, seeks permission to withdraw the present Bail Application, with liberty to file a fresh bail application after nine months if the trial does not progress substantially.

3. Permission to withdraw is granted with the aforesaid liberty.

4. Since the trial has commenced, the Trial Court is requested to expedite the trial.

5. Bail Application is disposed of as withdrawn.”

7. Here in this case, the trial has already commenced. Once the bail was refused to the co-accused on the ground of long incarceration, it is not open for this Court to pass any order contrary thereto. Apart from this in the instant case charge is already framed and the first witness is being examined before the Trial Court. Apart from this, the trial has been already expedited by an order dated 9th January, 2026. In such circumstances, the

Applicant cannot be enlarged on bail only on the ground that he is in jail for a period of about five years. In this view of the Court, considering the facts involved in the present case and more particularly the orders passed in connection with the co-accused, the Applicant is not entitled for bail.

8. The Trial Court is directed to complete the trial expeditiously and in any case within a period of a year from 9th January, 2026.

(R.M. JOSHI, J.)