Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2661 OF 2025

Nitin Bhagwan Pathrave …Applicant
Versus
State of Maharashtra …Respondents

Mr. Ajinkya M Udane, for the Applicant.
Mr. Rishikesh M. Pethe, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 16th MARCH, 2026.

PC:-

1. This Application for enlargement on bail of the Applicant in connection with Crime No. 459 of 2018, registered with the Manpada Police Station, Thane for the offences punishable under Section 302 of the Indian Penal Code, 1860 ('IPC'), is only on the ground of long incarceration.

2. Learned counsel for the Applicant submits that the Applicant is behind bars for a period of 7 years and till date, the trial has not commenced.

3. The learned APP opposes the said submission by relying upon the *roznama* of the proceeding before the Trial Court, which according to him, indicates that since August 2023, the appointed counsel on behalf of the Applicant has failed to cause appearance before the Trial Court on number of occasions. He also points out from the record that for the last three dates of hearing, the Applicant has refused to co-operate with the Trial Court in framing of charges. He however, states that now the charges have been framed.

4. The afore-stated facts indicate that the prosecution cannot be blamed for non-completion of trial within reasonable period of time. It cannot be permitted for the Accused to delay the trial and then to claim benefit of long incarceration. On the basis of this ground, this Court is not inclined to pass any order of bail.

5. This Court expects that considering the long pendency of the trial since the year 2018, the Trial Court is directed to expedite the trial. The Applicant is granted liberty to file a

fresh Bail Application before this Court in case, there is no substantive progress in the trial within a period of six months from today.

6. Considering the fact that appointed counsel has failed to cause appearance before the Trial Court for a substantive period, the learned Trial Court to appoint another counsel by way of legal aid to represent the Applicant in the trial.

7. In view of the above, the Bail Application stands disposed of.

8. Needless to say, that if no progress is there in the trial for the reasons attributable to the Applicant, the Applicant would not be entitled to take benefit of the same.

(R. M. JOSHI, J.)

SHAMBHAVI NILESH SHIVGAN
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