

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3348 OF 2025**

Kailas Tukaram Waghat

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Shrikant S. Shirsath a/w Ravindra S. Lihinar and Sapna D. Hajare, *for the Applicant.*

Ms. Megha S. Bajoria, *APP for the Respondent - State.*

PSI – A. Y. Kamble, Aarey Police Station, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 06TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 99 of 2020 dated 26th May, 2020 registered with the Aarey Police Station, for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code, 1860 (for short '**IPC**').

2. The Applicant made an Application seeking bail before the Addl. Sessions Judge, Sessions Court, Borivali Division, Dindoshi, however, by order dated 29th July, 2025,

the said application was rejected. By order dated 6th May, 2025, a Co-ordinate Bench of this Court (*Coram: Milind N. Jadhav, J.*) was pleased to enlarge the co-accused on bail on the ground of long incarceration since for the past so many years the trial had not commenced. The role attributed to the present Applicant is identical to the role attributed to the co-accused who has been enlarged on bail on the ground of long incarceration.

3. Today, Mr. Shirsath, learned counsel for the Applicant, submits that as on date charges are framed, however, the recording of the evidence is yet not commenced. On this, Ms. Bajoria, learned APP, submits that the trial could not commence because of innumerable applications filed by the Applicant and the co-accused from time to time.

4. Be that as it may, since the co-accused is enlarged on bail by order of a Co-ordinate Bench of this Court on the ground of long incarceration, I am inclined to enlarge the Applicant also 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 attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- iv) The Applicant shall not leave India, without the permission of the Trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) 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;

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

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

5. Application is allowed in the above terms and is accordingly disposed of.

6. 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)