

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3456 OF 2025

Mohammad Uvesh Javed Samim Khan ...Applicant
Versus
State of Maharashtra and Anr. ...Respondents

Mr. Amol Mhatre a/w Dilip Shinde and Mohan Kumbhar, for the
Applicant.

Ms. Shilpa K. Gajre-Dhumal, APP for the Respondent - State.

PSI – Yuvraj Choudhari, Pelhar Police Station, (MBVV), present.

CORAM: R. M. JOSHI, J.

DATED: 17th APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.542 of 2022 dated 21st June, 2022, registered with Pelhar Police Station, for offence punishable under Sections 307, 398, 120B and 34 of the Indian Penal Code, 1860, Sections, 3, 25 and 27 of the Arms Act, 1959 and Sections 37(1),(3) and 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that on 21st June, 2022, the First Informant was robbed of Rs.50,000/-. There is an allegation against the Applicant that he fired bullets from his pistol towards the First Informant and in the said assault he sustained injuries. On completion of investigation charge-sheet is filed.

3. Learned counsel for the Applicant submits that the co-accused are already enlarged on bail. He makes a grievance with regard to observations made by the Trial Court while rejecting application of the Applicant for bail. In this regard, reference is made to paragraph No.9 of the order dated 21st June, 2025, passed in Sessions Case No.166 of 2023. It is contended that though the Trial Court has recorded the reason for rejection of application by stating that the charge has been framed against the accused on that day, in fact, no charge was then framed nor the charge is framed till date. It is his submission that the Applicant is in jail for over a period of three years and nine months and hence he seeks bail.

4. Learned APP opposed the application by contending that apart from the First Informant, the incident in question was witnessed by three independent witnesses. It is her submission that having regard to the serious nature of the crime, Applicant is not entitled for bail.

5. The Applicant came to be arrested on 22nd June, 2022. Trial Court rejects the bail application with observation that the charge has been framed against the accused. Learned APP, on instructions, confirms the fact that till date charge has not been framed. Apart from that an incorrect statement has been made in the order passed by the learned Sessions Judge. As a matter of fact, charge has not been framed yet. This Court, therefore, finds substance in the contention of the learned counsel for the Applicant that there is no possibility of commencement and completion of trial within a reasonable period. The Applicant is in jail for over a period of three years and nine months. Since the trial

is not likely to get over in a reasonable period, the Applicant is entitled to be enlarged on bail. Hence, following order.

ORDER

- i) The Bail Application stands allowed.
- ii) In connection with CR No.542 of 2022 dated 21st June, 2022, registered with Pelhar Police Station, the Applicant be enlarged on bail on furnishing PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall attend all dates of hearing before the Trial Court unless exempted.
- iv) The Applicant shall attend the concerned Police Station once in a month till framing of the charges.

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.

(R. M. JOSHI, J.)