

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3710 OF 2025

Shivam Ramdulare Nishad	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Vinod Kashid a/w Mr. Sumit Bhoite a/w Mr. Abdul Shaikh, for the Applicant.
Ms. S. K. Gajare, APP, for the Respondent - State.
PSI Sham R. Atpalkar, Ulhasnagar Police Station, Thane, is present.

CORAM: R. M. JOSHI, J.

DATED: 24th MARCH, 2026

PC:-

1. Applicant seeks regular bail in connection with Crime No.241 of 2019 registered with Ulhasnagar Police Station, District-Thane, for the offences punishable under Sections 302, 115, 506 read with 34 of the Indian Penal Code, 1860 (For short "IPC") and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.
2. An incident had occurred on 17th June 2019 wherein three accused persons assaulted the deceased. Due to injuries sustained in the said assault, deceased died. Applicant came to be arrested on 30th June 2019, since then he is in jail.
3. Learned Counsel for the Applicant submits that though this is a third bail application, similarly placed accused are

already enlarged on bail. He drew attention of this Court to the Order passed by this Court in Criminal Bail Application No. 1303 of 2025 dated 16th June 2025, wherein according to him the bail application was rejected for the reason with expectation that the Trial Court shall endeavor to examine witness Shankar G. Sacchar immediately and other key witnesses within three months from the date of order. It is his submission that inspite of such order, except one eye witness, no other key witnesses are examined by the prosecution. It is his submission that the eye witness examined before the Trial Court has not supported the case of the prosecution. It is his submission that the co-accused was granted bail for the reason of long incarceration and as such there remains no reason/justification for rejection of bail for this Applicant.

4. Learned APP opposes the Application by pointing out that this is a third bail application and previous two applications are rejected by the Court on merit and hence present application also be dismissed. On specific query made by this Court, Learned APP, on instructions, make statement that the remaining eye witnesses would be examined within a period of three months from today.

5. There is no dispute about the fact that, the co-accused has been granted bail on the ground of long incarceration. There were five antecedents against the said co-accused who is now on bail. The said order came be passed on 11th February 2025 in Criminal Bail Application No.4043 of 2024. After lapse of period

of year since then, it can be said that the Applicant is also entitle to be enlarged on bail for long incarceration. He is in jail over the period of six years now. Inspite of the order passed by this Court, the key witnesses are not examined by the prosecution.

6. This Court would have been justified in granting bail to the Applicant forthwith, however in order to strike balance between the right of the accused of having expeditious trial and opportunity to the prosecution to prove the charges levelled against the accused before the Trial Court, Applicant is not released immediately. Three months time is granted to the prosecution to examine key witnesses.

7. It is also a matter of experience that whenever bail application is to be allowed, statement is made on behalf of the prosecution for examination of the witnesses within stipulated time, however more often such statement is not adhere to. Needless to say that this leads to compelling to Applicant to file another application for bail. In order to avoid any such contingency in the present case, following order.

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No.241 of 2019 registered with Ulhasnagar Police Station, District-Thane, for the offences punishable under Sections 302, 115, 506 read with 34 of the Indian Penal Code, 1860 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

- ii) Applicant be enlarged on bail on 30th June 2026, on furnishing P. R. Bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) Applicant to attend all dates of hearing before the Trial Court unless exempted by passing specific order.
- iv) Any breach of the above condition shall result forthwith in cancellation of bail.

8. The application is allowed in aforesaid terms and is accordingly disposed of.

9. It is clarified that the above observations are *prima facie* in nature and the same would not bind the parties during the trial.

10. All concerned to act upon the authenticated copy of this order.

(R. M. JOSHI, J.)

VDMokal/-