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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

VASANT  
ANANDRAO  
IDHOL

CRIMINAL BAIL APPLICATION NO.4837 OF 2025

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Date: 2026.03.12  
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Rajendra V. More

...Applicant

V/s.

State of Maharashtra

...Respondent

Mr.Kunal Kher with Mr.Gaurish N. Satpute for the Applicant.

Mr.S.S. Ghag, APP for the State – Respondent.

Mr.Shrikant Chavan, PSI, Bazarpeth Police Station, Kalyan is present in Court.

**CORAM : R.M. JOSHI, J.**

**DATE : 11TH MARCH, 2026.**

**P.C. :-**

1. On the last date of hearing, learned counsel for the Applicant has drawn the attention of the Court to the fact that the Applicant was arrested on 3<sup>rd</sup> March, 2016 and after filing of the chargesheet in the year 2018, charge came to be framed against him on 5<sup>th</sup> September, 2018. It is his submission that since then, not a single witness has been examined by the prosecution before the Trial Court. He therefore seeks bail only

on the ground of long incarceration.

2. An opportunity was given to the learned APP to give explanation – reason for non-examination of a single witness during the period of last eight years from the date of framing of charge. Learned APP filed affidavit of Mr.Babasaheb Bhaskar Dukale, PI Crime, Bazarpeth Police Station, Kalyan, District Thane. Perusal of the affidavit does not show any justification for non-examination of the witness by the prosecution. In fact from the tenor of the application, it seems that the entire blame is sought placed on the accused – the Applicant, who is in jail.

3. Needless to say that since the Applicant is in jail and his liberties are curtailed, he cannot be held responsible for the delay in trial. If the accused is not produced before the Court during the course of the trial, it shall be sole responsibility of the State.

4. In any case, there is absolutely no explanation much less any satisfactory explanation for non-examination of a single witness for a period of over eight years from framing of the charge. The Applicant is in jail for last 10 years without trial. The

Court finds this sole ground sufficient for allowing the application. Hence the the following order :

**ORDER:**

- a). The Application stands allowed in in connection with C.R. No.40 of 2016, registered with Bazarpeth Police Station, Kalyan, District Thabne for the offences punishable under Sections 364(A), 302, 201, 379, 120-B and r/w 34 of IPC.
- b). The Applicant be enlarged on bail on furnishing PR bond of Rs.15,000/- with one surety in the like amount with the satisfaction of the Trial Court.
- c). The Applicant be enlarged on cash bail for a period of a month.
- d). The Applicant to attend the hearing of the proceedings before the Trial Court on each date unless exempted by the Trial Court.

***(R.M. JOSHI, J.)***