

MHRG170002302025



SESSION CASE NO.14/2025

The State of Maharashtra
Vs.
Balkrushna Motiram Gaikar

CNR NO. MHRG170002302025

ORDER BELOW EXH.4

1. By this application, the applicant who has been arrested in Crime No.104/2024 registered with Panvel City Police Station for the offences punishable under Section 307 of The Indian Penal Code, has prayed for grant of bail.
2. Learned advocate Mr. Suhas Karulkar for the applicant has submitted that charge-sheet in this case has been filed on 30/01/2025, but till this date the trial has not commenced. Therefore, according to him, on the ground of delay in the trial, the applicant is entitled to be released on bail.
3. According to him, mere fact that the offence is serious in nature is not a ground to reject the bail application. In support of submission, he has relied upon following judgments;
 - (i) *Prabhakar Tewari Vs. State of U.P., 2020 ALL SCR (Cri) 638.*
 - (ii) *Janu @ Billa Malappa Pawar Vs. State of Maharashtra, 2006 ALL MR (Cri) 2577*
4. Per contra, learned APP Mr. A. S. Thakur has submitted

that after the charge-sheet was submitted, the bail application filed by the applicant has already been rejected on merit and therefore in absence of change in circumstance, the applicant is not entitled to be released on bail. He would further submit that the prosecution is prepared to proceed with the trial expeditiously and therefore he has prayed for rejection of the application.

5. It is undisputed that after filing of the report under Section 193 of the BNSS, the bail application submitted by the applicant has already been rejected. Therefore, in any case for want of change in circumstances, the applicant is not entitled for bail on merit.
6. So far as, the ground raised by the applicant in respect of delay in trial is concerned, it is settled law that mere delay in the trial pertaining to grave offences, by itself cannot be a ground to enlarge an accused on bail, de hors the facts. Looking to the seriousness of the offence the period of one and half year cannot be said to be inordinate to exercise discretion to release the applicant on bail.
7. Moreover, learned APP Mr. Thakur has submitted that the prosecution is ready to proceed with the trial expeditiously. In this background, I am of the view that if the trial is ordered to be expedited that would meet the ends of justice. Hence, I conclude that no case is made out for grant of bail and accordingly, the application fails. Hence, I proceed to pass following order.

:: ORDER ::

- 1) The application Exh.4 is hereby rejected.
- 2) The trial is ordered to be expedited.
- 3) Learned APP is called upon to place on record draft charge, so that on next date after hearing, submission of both sides this Court can proceed to pass appropriate orders on the point of framing charge.
- 4) Superintendent, Taloja Central Prison is directed to keep the applicant present before this Court without fail.

(Dictated and Pronounced in open Court.)

Place : Panvel.
Date : 18/09/2025

(Dinesh E. Kothalikar)
Additional Sessions Judge,
Panvel, Dist. Raigad.