



ORDER BELOW EXH - 56
[02nd June 2026]

1. The present application is filed under Section 439 of the *Code of Criminal Procedure, 1973* seeking bail in respect of offences punishable under Sections 399 and 402 of the *Indian Penal Code*, Sections 4 and 25 of the *Arms Act*, and Section 135 of the *Mumbai Police Act*.
2. The applicant submits that he is a permanent resident of Wardha, residing in a joint family, and is the sole caretaker of his mentally challenged daughter. He has no criminal antecedents. It is pointed out that though charge-sheet was filed in 2017 and charges framed in 2019, no witness has been examined till date. The applicant has been in custody since 13/10/2025, and despite ten dates of hearing, the prosecution has failed to examine any witness. It is urged that continued incarceration amounts to violation of his fundamental right to speedy trial under Article 21 of the Constitution of India. Reliance is placed on the judgment of the Hon'ble Supreme Court in *Arvind Dham v. Directorate of Enforcement* (06/01/2026), wherein prolonged custody without progress of trial was held to be unjustified.
3. The learned APP has opposed the application, submitting that the applicant had earlier absconded, and if released, may again hamper

the proceedings. It is contended that the present application is on similar grounds as the earlier bail plea rejected on 10/11/2025.

4. I have considered the submissions and perused the record. The applicant has been in custody for over seven months. The trial has not commenced, and numerous witnesses are yet to be examined. The right to speedy trial is a constitutional guarantee. Mere apprehension of absconding, without material to substantiate, cannot justify indefinite detention. The applicant is a local resident with family responsibilities, and his property is within the jurisdiction of this Court.
5. It is a settled principle of criminal jurisprudence that every accused is presumed innocent until proven guilty. Bail is the rule and jail is the exception. Continued detention without trial undermines this presumption. The right to personal liberty and speedy trial is guaranteed under Article 21 of the Constitution. Prolonged incarceration without commencement of trial amounts to violation of this fundamental right. The record shows that despite charges being framed in 2019, no witness has been examined till date. The prosecution has cited numerous witnesses, and completion of trial will take considerable time. Keeping the accused in custody indefinitely without progress of trial is unjustified. The Hon'ble Supreme Court in *Arvind Dham v. Directorate of Enforcement* (2026) held that where evidence is documentary and secured, prolonged custody is unwarranted. The applicant is a permanent resident of Wardha, with immovable property within the jurisdiction of this Court. He is the sole caretaker of his mentally challenged daughter. These circumstances reduce the likelihood of absconding and establish strong social ties.

6. The offences alleged, though serious, do not carry punishment of death or life imprisonment. The principle of proportionality requires that pre-trial detention should not exceed reasonable limits, especially when trial is delayed. It is settled principle of Law that Bail should not be denied merely on the ground of seriousness of allegations when trial is likely to take long and Bail can be granted if there is no likelihood of trial concluding in reasonable time. The apprehension of absconding or influencing witnesses can be addressed by imposing strict conditions such as regular attendance, restriction on travel, and prohibition on contacting witnesses. These safeguards balance the interests of justice with the liberty of the accused.
7. Therefore, considering the prolonged custody of the applicant, the absence of progress in trial, and the constitutional guarantee of speedy trial under Article 21, I find that continued detention would amount to violation of fundamental rights. The presumption of innocence, the settled principle that bail is the rule and jail is the exception, and the applicant's local roots and family responsibilities further weigh in favour of granting bail. The prosecution's apprehension of absconding can be mitigated by imposing stringent conditions. In view of all this I am satisfied that the applicant deserves to be enlarged on bail. Accordingly, I proceed to pass the following order:

ORDER

1. The application is allowed.
2. The accused Sunil @ Rocky Ishwar Nettlekar, shall be released on bail in Sessions Case No. 3/2017, Crime No. 1997/2016 registered for an offence punishable under Sections 399 and 402 of the *Indian Penal Code*, Sections 4 and 25 of the *Arms Act*, and Section 135 of the

Mumbai Police Act on furnishing a personal bond of ₹30,000/- with one solvent surety of the like amount, subject to the following conditions:

i] The applicant shall attend the trial regularly and shall not abscond.

ii] Accused shall attend in accordance with the conditions of the bail bond.

iii] Accused shall not commit an offence similar to the offence of which he is accused.

iv] The accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

v] The accused shall not tamper with the prosecution evidence in any manner.

vi] In case of breach of any condition, prosecution shall be at liberty to seek cancellation of bail.

3. Dictated and pronounced in an open Court on this 02nd day of June, 2026.

Date: 02nd June 2026

[Vishal A. Sathe]
Additional Sessions Judge,
Wardha.