

ITEM NO.11

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SSPECIAL LEAVE PETITION (CRIMINAL) Diary No.17516/2026

[Arising out of impugned final judgment and order dated 09-01-2025 in BA No. 4611/2024 passed by the High Court of Judicature at Bombay]

KUNAL MOHAN MOKASHI

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(IA No. 103682/2026 - CONDONATION OF DELAY IN FILING SLP, IA No. 103686/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 103688/2026 - EXEMPTION FROM FILING O.T.)

Date : 13-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Ms. Sana Raees Khan, Adv.
Mr. Dhawesh Pahuja, AOR

For Respondent(s) :

Ms. Rukhmini Bobde, Adv.
Mr. Sidharth Dharmadhikari, Adv.
Mr. Aaditya A. Pande, AOR
Mr. Srirang B. Varma, Adv.
Mr. Vinayak Aren, Adv.
Ms. Aishwarya Nigam, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner has been put to trial for the offence of murder punishable under Section 302 of the Indian Penal Code, 1860 (for short, the "IPC") and other offences under the IPC.

2. The incident in question is dated 27-6-2021. The petitioner is in judicial custody as an under-trial prisoner past almost 5 years.

3. The parody of the situation is that in last 5 years, only 1 witness has been examined.

4. In the past, the petitioner had come before us praying for bail.

5. We take notice of the order passed by this Court on 8-9-2025.

6. The same reads thus:-

"1. Delay condoned.

2. Exemption Applications are allowed.

3. The petitioner has been denied bail by the High Court in connection with C.R. No.529/2021 registered with the Wakad Police Station, Pune for the offence punishable under Sections 302, 504, 506, 120B, 201 read with Section 34 of the Indian Penal Code (for short, "the IPC") respectively, under Sections 4(25) & (27) of the Arms Act respectively, Sections 37(1), 135 and 142 respectively of the Maharashtra Police Act and Section 7 of the Criminal Law (Amendment) Act.

4. The incident in question is dated 27-6-2021. This is suggestive of the fact that the petitioner is in custody past almost 4 years. One of the co-accused, who is alleged to have been sitting in the car at the time of incident, was ordered to be released on bail by this Court.

5. The petitioner - herein is the person against whom there are direct allegations of assault. However, the matter of concern is that although the Trial Court framed charge on 23-7-2024, yet till this date not a single witness has been examined.

6. It has been pointed out by the learned counsel appearing for the State of Maharashtra that the prosecution intends to examine as many as 15 witnesses. There are few eye-witnesses also to the incident.

7. Having regard to the nature of the crime as alleged and the role attributed to the petitioner, we are not persuaded to exercise our discretion in so far as the plea for bail is concerned. However, we direct the Trial Court concerned to ensure that the trial is completed with judgment within a period of six months from today. If the Trial Court is unable to complete the trial within six months, it shall be open for the petitioner to come back before us and pray for bail.

8. The Registry is directed to forward one copy each of this order at the earliest to the Trial Court concerned including the territorial High Court.

9. With the aforesaid, the Special Leave Petition stands disposed of.

10. Pending applications, if any, also stand disposed of."

7. As we granted liberty to the petitioner to come back before us, he has renewed his plea for bail. It is very unfortunate that

in last eight months, only one witness has been examined.

8. Ms. Rukhmini Bobde, the learned counsel appearing for the State submitted that the accused persons are responsible for delay in the trial.

9. We would like to know in what manner they are responsible for the delay. In this regard, we want the State to file affidavit explaining why only one witness has been examined after our last Order dated 8-9-2025, referred to above. One copy of the affidavit that may be filed by the State shall be furnished well in advance to Ms. Sana Raees Khan, the learned counsel appearing for the petitioner.

10. Put it next week on top of the Board.

(VISHAL ANAND)
DY. REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)