

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 S

Petition(s) for Special Leave to Appeal (Crl.) No(s).3477/2025

[Arising out of impugned final judgment and order dated 07-02-2025 in BA No.3862/2024 passed by the High Court of Judicature at Bombay]

PRASHANT BHASKAR MHATRE

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(IA No. 57766/2025 - EXEMPTION FROM FILING O.T., IA No. 58183/2025 - EXEMPTION FROM FILING O.T., IA No. 58181/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-07-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Prakash Deu Naik, Sr. Adv.
Mr. A. Karthik, AOR
Mr. Vinod Kashid, Adv.
Ms. Smrithi Suresh, Adv.
Mr. Sugam Agrawal, Adv.
Mr. Ujjwal Sharma, Adv.

For Respondent(s) :Mr. Deepak Salvi, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

Mr. Satish L. Maneshinde, Sr. Adv.
Mr. Priyank Upadhyay, AOR
Mr. Yuvraj Dhole, Adv.

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

1. The petitioner seeks enlargement on bail in FIR No.I-61/2017 dated 15.02.2017 registered at Narpoli Police Station, Bhiwandi under Sections 302, 143, 146, 147, 148 and 149 of the Indian Penal Code, 1860, Sections 3, 25, 27 of the Arms Act, Sections 37(1) and

135 of the Maharashtra Police Act, 1951 and Sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (MCOCA). Subsequently, Section 120B of IPC was also added.

2. The allegations are that the petitioner is the cousin of the victim (Manoj Ananta Mhatre) and they had a long-standing political rivalry. The deceased was a Corporator and the petitioner was allegedly requesting a ticket for contesting elections. Having been denied, the petitioner is said to have unsuccessfully tried to kill the deceased firstly in 2013, but failed. Eventually, on the fateful day, petitioner along with his co-accused brutally assaulted the victim with firearm, sickles and chopper - causing him grievous injuries.

3. The petitioner was subsequently arrested on 29.03.2017 and he has admittedly been in custody for more than eight years at this juncture.

4. The High Court has, *vide* impugned order, denied bail to the petitioner, *inter alia*, observing that:

(i) The statement of the informant and other material on record clearly establishes the presence of the petitioner at the spot of crime. Moreover, there is a specific attribution of overt act to the petitioner, along with use of weapon against the deceased.

(ii) The petitioner being the cousin of the victim had a long-standing political rivalry, and he had assaulted the victim on earlier occasion as well.

(iii) The weapon of the crime was recovered from the office of the petitioner.

(iv) The petitioner has criminal antecedents inasmuch as there are

16 criminal cases against him, out of which he has been acquitted in 13 cases, for the reason that the witnesses turned hostile.

5. It is on these grounds that the High Court found the petitioner's prayer distinguishable as compared to other accused and consequently turned down his plea of parity *vis-a-vis* the other 17 co-accused, who were all granted bail.

6. While issuing notice, we directed the Trial Court *vide* order dated 05.03.2025, to ensure that on the date fixed, i.e., 11.03.2025 or on the next date which was also to be fixed in March, 2025 itself, some of the eye-witnesses be examined positively.

7. We are informed by the State counsel that pursuant to the repeated directions issued by this Court, 24 witnesses have already deposed and about 30 vital witnesses are yet to be examined; while the total number of remaining prosecution witnesses is above 50. The State counsel further explains that their depositions will have a direct bearing on the outcome of the trial. It is also asserted that the principle of prolonged incarceration is inapplicable in the instant case since the delay has been caused by the petitioner and his co-accused themselves, who did not allow the Court to frame charges for a period of 5 years. Learned State counsel also relies upon the petitioner's antecedents, apart from the alleged threats extended to the family of the deceased. It is also pointed out that witnesses no.9 and 10 have been specifically threatened, and they have been provided police protection.

8. We have heard learned counsel for the parties and perused the record. The intervenor, namely, the widow of the victim has also been heard through her counsel.

9. Taking into consideration all the attending circumstances, we deem it appropriate to dispose of this petition with the following directions:

(i) The Trial Court is directed to take up the case once in fortnight, namely, at least twice a month and on such dates, the evidence of the remaining witnesses shall be recorded in a phase-wise manner.

(ii) The petitioner or his co-accused are directed through their counsel to extend full cooperation to the Trial Court and remain present for cross-examination of the witnesses. However, the Trial Court is directed not to defer the cross-examination of any witness on the request of any counsel and if anyone does not turn up for cross-examination, it shall be deemed that the cross-examination has been given up. We make it clear that every defence counsel appearing before the Trial Court is responsible to assist the Court and in case of their supposed absence, the Trial Court shall not be bound to adjourn the case for cross-examination.

(iii) The State shall ensure full protection to the vital witnesses, who are yet to be examined.

(iv) The evidence of remaining prosecution witnesses shall have to be recorded by 31.10.2025. If the prosecution fails to produce witnesses, the Trial Court shall close the evidence and give no further opportunity in this regard.

(v) The defence evidence, if any, may be permitted to be led in the month of November and December, 2025. The trial must come to an end by 31.01.2026.

(vi) If the trial is not concluded within the above time frame for

some unforeseen reason, the Principal District Judge shall be required to submit an explanation to that effect to this Court. Similarly, the petitioner shall be entitled to renew his prayer for bail if the trial is not concluded by 31.01.2026. Such a prayer by the petitioner shall be considered by the Trial Court afresh and as per its own merits, without being influenced by our observations or those made by the High Court in the impugned order dated 07.02.2025.

10. The Special Leave Petition is, accordingly, disposed of.

11. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR