



**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO.25 OF 2026**

SUBHASH BHONSLE PRESENTLY IN JUDICIAL CUSTODY
VERSUS
STATE OF GOA THR THE PUBLIC PROSECUTOR AND ANR.

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Mr. Kautuk Raikar with Mr. Digaj Bene, Advocates for Applicant.
Mr. Somnath Karpe, Additional Public Prosecutor with Mr. Anand Shirodkar with Ms. Sonali Gaonkar, Advocates for State.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 30th SEPTEMBER, 2026.

PRONOUNCED ON : 09th OCTOBER, 2026.

FINAL ORDER:-

1. The applicant/accused seeks regular bail in connection with Crime No.25/2021 registered with Colvale Police Station for offence punishable under Sections 364-A, 506(ii), 392, 342, 120-B r/w 34 of Indian Penal Code and Sections 3 r/w 25 and 27 of the Arms Act.
2. The investigation was set in motion on the basis of information given by Mr. Sunil Tulsidas Patel, which lead to filing of Charge-sheet No.23/2021 dated 29.10.2021 against in all five accused persons including applicant. The gist of prosecution case is that, accused with their common object hatched criminal conspiracy and abducted Mr. Navinchandra Dilipkumar Bhojani @ Patel for ransom from his shop styled as 'Ashirwad Traders' situated at Madel Thivim, Bardez Goa. On 04.08.2021, at about 11.30 hrs., they put him in fear of death by pointing a gun and a cutter knife, robbed him of his mobile phone and

cash of Rs.10,000/-, dragged him into a white-coloured Creta car and drove him to Mercurim, Agacaim, Tiswadi, Goa. On the way, they robbed him of cash amounting to Rs.26,000/- from his possession and thereafter confined him in a closed room at a construction site.

3. The applicant/accused no.4 alleged to have placed a knife on neck of the victim and forcibly made him to open the cash counter and robbed Rs. 10,000/- and mobile phone.

4. The applicant had moved Sessions Court for grant of regular bail vide application below Exhibit's 55, 130 and 72 in Sessions Case (ORS) No.69/2021 which are rejected vide orders dated 09.01.2025, 24.06.2026 and 14.07.2025 respectively.

5. Mr. Kautuk Raikar, learned Advocate appearing for applicant submits that applicant has been arrested on 05.08.2021. He has been incarcerated for more than five years. The charge has been framed on 29.08.2022. Although trial is commenced, it is moving with snail pace. Out of 48 witnesses cited in charge-sheet, as on date 12 witnesses have been examined. There is no possibility of conclusion of trial in recent future. The evidence recorded during trial so far would show bleak possibility of conviction. The applicant/accused was independently prosecuted for theft of mobile during course of abduction of victim. The said mobiles were alleged to have been used to make calls to victim's wife for demand of ransom. The trial in that case ended in acquittal.

There is no allegation of causing injury to victim or anyone else in commission of offence. The applicant has suffered almost half of sentence that can be imposed on the basis of evidence that prosecution relied. Further incarceration of applicant would violate Constitutional right under Article 21. The applicant would continue to co-operate free flow of trial and ready to abide by any condition. Previously, applicant had filed Bail Application No.782/2025(F) before this Court. During hearing it was assured to this court that programme for examination of 32 witnesses is given, three of which were already examined and trial would be concluded within shortest possible time. However, during last six month, only 9 witnesses have been examined and 20 more witness are yet to be examined.

6. Mr. Somnath Karpe, learned Additional Public Prosecutor would invite attention of this Court to observations of Supreme Court in case of *Ranjan Dwivedi Vs. Central Bureau of Investigation*¹ to contend that Court has to adopt a balancing approach by taking note of possible prejudices and disadvantages to be suffered by the accused. No outer limit for conclusion of criminal proceedings can be fixed to conclude trial. Although delay is one of the factors of which courts would normally assess in determining deprivation of right to speedy trial available to accused, Court would not enlarge benefit to accused if there is unintentional and unavoidable delay due to administrative factors

¹ (2012) 8 SCC 495.

over which prosecution has no control. In present case, trial is already commenced and 12 witnesses have been already examined. The prosecution cannot be blamed for delay in conclusion of trial. All possible steps are taken to ensure expeditious disposal of trial. By inviting attention of this Court to dates/details as recorded in Roznama of trial he endeavours to demonstrate that prosecution alone cannot be blamed for prolonged trial.

7. In light of submissions advanced, question that requires consideration is whether right to speedy trial of accused is infringed due to undue delay occurred in trial.

8. The right to speedy trial was firstly recognized in case of ***Hussainara Khatoon (I) v. Home Secretary, State of Bihar***² observing that speedy trial is implicit in broad sweep and content of Article 21 of Constitution of India, which has been further elaborated by Supreme Court in catena of judgments to state that expeditious trial is integral and essential part of fundamental right to life and liberty recognized under Article 21 of Constitution of India. In this case apex court held as under :-

"Now obviously procedure prescribed by law for depriving a person of liberty cannot be "reasonable, fair or just" unless that procedure ensures a speedy trial for determination of the guilt of such person. No procedure which does not ensure a reasonably quick trial can be regarded as "reasonable, fair or just" and it would fall

² (1980) 1 SCC 81.

foul of Article 21. There can, therefore, be no doubt that speedy trial, and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. The question which would, however, arise is as to what would be the consequence if a person accused of an offence is denied speedy trial and is sought to be deprived of his liberty by imprisonment as a result of a long delayed trial in violation of his fundamental right under Article 21."

Similarly the Supreme Court in the case of ***Union of India v. K. A. Najeer***,³ Criminal Appeal No. 98 of 2021, while commenting upon the possibility of early completion of trial and extended incarceration, observed as under:-

"18. Adverting to the case at hand, we are conscious of the fact that the charges levelled against the respondent are grave and a serious threat to societal harmony. Had it been a case at the threshold, we would have outrightly turned down the respondent's prayer. However, keeping in mind the length of the period spent by him in custody and the unlikelihood of the trial being completed anytime soon, the High Court appears to have been left with no other option except to grant bail. An attempt has been made to strike a balance between the appellant's right to lead evidence of its choice and establish the charges beyond any doubt and simultaneously the respondent's rights guaranteed under Part III of our Constitution have been well protected."

9. The Delhi High Court in case of ***Mohamed Hakim Vs. State NCT of Delhi***)⁴,. in the context of grant of bail to an under-trial prisoner

urged Courts to act as doctors instead of coroners to highlight that it is

³ 2021(1) Bom.C.R.(Cri.) 652(S.C.)

⁴ 2021 DGLS(Del.) 745: 2021 SCC OnLine Del 4623

crucial for a Court to recognise and be conscious of the right of an accused to speedy trial and to prevent that right from getting defeated, rather than wake up much too late and lament that such right has been defeated. The Court seized of a bail must assess the pace at which the trial is proceeding and to not wait for too long by which time the Article 21 right of an accused is already trampled upon.

10. In the case of *Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Anr*⁵, in the context of delay in trial vis-a-vis speedy trial as enshrined in Article 21 of the Constitution of India, the Supreme Court has categorically held that if the State or any prosecuting agency including the Court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial under Article 21 of the Constitution of India, then the State or prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. The Supreme Court held that Article 21 of the Constitution of India applies irrespective of the nature of the crime. This is a very significant statement.

11. Turning back to the facts of the case admittedly, applicant has been arrested on 05.08.2021. The charge has been framed in year 2022. The trial commenced in year 2023. The recording of evidence of PW-2/victim commenced on 28.03.2023 and continued till 09.05.2025.

The evidence of PW-3 was recorded upto 17.11.2025. The evidence of

PW-4 was recorded upto 17.04.2026. It is informed that as on today 12 witnesses have been examined and more than 20 witnesses are yet to be examined. Looking to the pace of trial, it is difficult to expect that trial would conclude within period of one year. It is informed that Court in-charge of present trial has 15 time bound Sessions trials which are given priority.

12. Looking to the dates/details recorded in Roznama, many factors like non-production of accused or witnesses before Court or non-availability of Court, apart from few adjournment sought on behalf of accused, delayed trial. One of the reason given is workload with Court concerned and prevailing local condition. However, fact remains that it is obligation of State to ensure speedy trial and State includes Judiciary as well.

13. It is true that applicant is facing trial for offences having provision for punishment for life imprisonment. However, fact remains that during commission of offence, no hurt or injury was caused to victim. Although there is *prima facie* material depicting involvement of applicant in commission of offence of robbery and abduction for ransom, there are no criminal antecedents that would impede favourable consideration of bail.

14. The applicant is behind bar for more than five years and prosecution is not in a position to assure speedy disposal in wake of

prevailing circumstances. Earlier when applicant/accused no.4 had moved Criminal Application (Bail) No.782/2025 (F), statement of prosecution was recorded in order dated 06.03.2026 that prosecution intends to examine 32 witness, out of which 3 already been examined and 25 more witnesses were assured to be examined by 04.05.2026. The period of about 7 months is passed from statement that was made. After lapse of period of 7 months from that date, total 12 witnesses could be examined out of 32 proposed witnesses, which depicts sorry state-of-affairs. In aforesaid backdrop, certainly there is violation of Constitutional guarantee of speedy trial available to accused/applicant. In this backdrop, case is made out for grant of bail.

15. The Criminal Application (Bail) is allowed.

- i. The applicant be released on bail on furnishing PR Bond in sum of Rs.1,00,000/- (Rs.One Lakh Only) with one or two local sureties in the like amount.
- ii. The applicant shall not leave State of Goa without permission of the Sessions Court.
- iii. The applicant shall inform his latest local address of residence and contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the prosecution as well as Sessions Court, in writing.

- iv. Applicant shall attend police station within whose jurisdiction he resides, on every Friday between 10 a.m. to 2 p.m. till conclusion of trial.
- v. The applicant shall regularly attend trial and shall not seek any adjournment on whatsoever count.
- vi. The applicant shall not meet or establish contact with the witnesses cited by prosecution till recording of evidence is over.
- vii. In case of two consecutive defaults in appearing before trial court or breach of any of the above conditions, the prosecution will be at liberty to seek cancellation of applicant's bail.
- viii. It is made clear that this court has not expressed any opinion on the merits of the case while granting bail to the applicant.

(S. G. CHAPALGAONKAR)
JUDGE