

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 1073/2026

(Sanghmitra Roshan Kumbhare Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K.H. Anandani, Advocate for applicant.
Mrs. S. S. Dhote, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 03/09/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 374/2023 registered with Police Station Aheri, Dist. Gadchiroli for the offences punishable under Sections 302, 307, 328 read with Section 120-B of the Indian Penal Code i.e. Section 103, 109, 123, 61 of the Bharatiya Nyaya Sanhita.

3. The brief facts of the prosecution case are that the deceased persons namely members of the Kumbhare family, suffered a sudden deterioration in health after consuming a food and water at their residence during September 2023 and subsequently died during medical treatment. On the suspicion, the FIR has been lodged at the police station against the accused No.1 i.e. present

applicant.

4. The learned counsel for the applicant raises the only ground for release of the applicant on the bail i.e. delay in trial. The learned counsel for the applicant submits that the applicant was arrested on 18/10/2023. However, there are total 48 witnesses shown in the charge-sheet, whereas till today not a single witness has been examined and the trial is yet to be concluded. Therefore, the applicant is not at fault. Considering the long incarceration, he submits that the applicant deserves to be granted bail. He has relied on the judgment of this court in the case of *Vikas Chandrakant Patil Vs. the state of Maharashtra, (Bail Application No.1963/2025, decided on 09/05/2025)*. Further, he submits that the co-accused has been released on bail on the ground of delay in trial, therefore the applicant deserves to be granted bail on the ground of parity. He has invited my attention to the observations of this court in the said case, wherein in paragraph 34.4, in the case of Santosh Ramprasad Hairijan Vs. State of Maharashtra, wherein said Santosh has undergone 3 years and 4 months of incarceration. He has also relied on the paragraph of 34.6, wherein accused has

undergone 5 and half ½ years of imprisonment and cited unlikelihood of completion of the trial in the near future as also on parity with the co-accused. Considering the orders which are passed by this Court with respect to the co-accused person who has been released, therefore the applicant deserves to be granted bail. He further relied on the judgment of the Supreme Court in the case of ***Jahir Hak vs. State of Rajasthan, 2022 AIR (SC) 3047***, wherein in paragraph No. 11, it is stated that the, “prosecution seeks to examine as many as 109 witnesses, out of which only 6 witnesses have been fully examined so far” and accordingly, the Supreme Court released the applicant on bail, therefore, he submits that the present applicant deserves to be granted bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that the applicant is responsible for the death of 5 innocent persons by administering poison to her family members. She further submits that so far as the present case is concerned, it is the applicant who is responsible for delay in trial. The applicant has filed multiple bail applications one after another, which consumed the time. She has invited my

attention to the affidavit-in-reply filed by the State, wherein the reasons for delay have been explained and the present applicant is responsible for the said delay. Under such circumstances, she submits that considering the seriousness of the crime, the applicant cannot be released on bail on the ground of delay in trial. Under such circumstances, the application deserves to be rejected.

6. I have considered the rival submissions. It is not in dispute that the applicant was arrested on 18/10/2023. It appears from the charge-sheet that the prosecution has cited 48 witnesses in the list of witnesses.. Whereas, not a single witness has been examined till today. Therefore, summons has been issued to the witnesses. In the present case there are 2 accused persons and the co-accused person has been released on bail. Whereas, the present applicant is the main accused. The main question that arises for consideration is whether the applicant is entitled to the grant of bail on the ground of delay in trial considering that his fundamental right of speedy trial, guaranteed under Article 21 of the Constitution of India, has been violated. To consider the present application, it would be necessary to understand the chronology of the present

matter. The applicant was arrested on 18/10/2023, whereas the charge-sheet was filed on 12/02/2024. It appears that the applicant has not engaged the counsel for nearly 6 months, even after the case was committed to the Court of Sessions. Thereafter, on 30/08/2024, the applicant has engaged the Advocate and then filed the Vakalatnama and the bail application on the same day. The said application was subsequently withdrawn on 27/01/2024. Thereafter, another bail application was filed on 27/11/2024, which was rejected by the Trial Court on 17/01/2025. Further it is noted that again on 23/01/2025 i.e. after 6 days, another bail application was filed by the applicant on medical ground. However, the said application was not pressed on 14/02/2025. On the same day, another application was filed at Exh.57, seeking a direction to refer her to the Medical Board for appropriate treatment. Thereafter, the applicant has filed Exh.60 requesting her to release on medical ground. The said application was disposed of as withdrawn. Thereafter, on 10/09/2025, another application was filed at Exh.74, taking a new ground that the applicant was mentally ill and was not in a position to understand the proceedings.

Relying upon Sections 369 of the Bharatiya Nagarik Suraksha Sanhita, 2023, a prayer was made for releasing her on bail. Pursuant thereto, the Jail Authorities produced the applicant before the Civil Surgeon, Civil Hospital, Chandrapur. The Committee was constituted and upon consideration of the opinion given by the Medical Committee, the Trial Court rejected the application which was filed at Exh.74 on 04/02/2026. Furthermore, it appears that the draft charge was filed by the prosecutor and on 29/05/2026, the Court framed the charges. Therefore, this chronology shows that the applicant is responsible for the delay in the Trial. Insofar as the incarceration of the applicant is concerned, she is behind bars since 18/10/2023 for almost three years. However, while considering the plea based on the alleged violation of the right to speedy trial, the Court cannot lose sight of the aforesaid chronology. It appears that in quick succession, the applicant had filed one or the other application seeking relief on different grounds. It would be further necessary to mention at this juncture that multiple applications filed by the applicant consumed a lot of time, therefore it appears that the applicant is at fault and prosecution

cannot be blamed for not commencing the trial. The learned counsel for the applicant relied on the case of Vikas Patil (*supra*), wherein the facts of that case and the present case are altogether different. Further, the case of Jahir Hak (*supra*) is also not helpful to the applicant.

7. Considering the above fact that the applicant is responsible for delay in trial, under such circumstances, fundamental right of speedy trial guaranteed under Article 21 of the Constitution of India will not come to the rescue of the present applicant, hence the present application is rejected.

8. Pending application (s), if any, stand disposed of accordingly.

(M. M. NERLIKAR, J.)

Gohane