



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 BAIL APPLICATION NO. 1246 OF 2024

PRAVIN BHIMRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Biradar Ramrao Dhondiram.
APP for Respondent-State : Mr. A. S. Shinde.
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CORAM : S. G. MEHARE, J.
DATE : 12.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.359 of 2022, registered with M.I.D.C. Police Station, District Latur, for the offences punishable under Sections 307, 309 of the IPC.
3. The applicant is incarcerated for last two years. Learned counsel for the applicant states that few witnesses have been examined partly. Their further examination-in-chief were deferred for want of some documents and muddemal property. There is no material progress in the trial and there are no chances of disposal of the trial in the near future.

4. Since the trial was adjourned for muddemal property, learned APP was requested to take the instructions from the Investigating Officer, when they would deposit the muddemal for further progress of the trial.

5. Learned APP on instructions states that the letter was sent to the office of the Chemical Analysis. It has been told that they are uncertain when they would examine the muddemal and return it to the police. The above shows that the prosecution would not ensure the speedy trial, which is a fundamental right of the accused enshrined in Article 21 of the Constitution of India. Bearing in mind this principle, the Hon'ble Supreme Court in case of *Javed Gulam Nabi Shaikh Vs. State of Maharashtra and others ; MANU/SC/0609/2024, dated 03.07.2024* held that where the State or prosecution could not ensure the speedy trial, the State or the agency should not oppose the bail application. In view thereof, the prosecutor could not right to oppose the bail application.

6. From the information supplied to this Court, it could be stated that the conclusion of the trial is uncertain and prosecution is not sure in how much time the trial would be concluded. It seems that the applicant has not protracted the

trial. In the circumstances, the applicant deserves bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **PRAVIN BHIMRAO JADHAV** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should furnish his residential proof and cell phone number with the Trial Court with an undertaking that he will not change it till the trial is concluded.
 - (c) He should attend the trial on each and every date.

(S. G. MEHARE, J.)

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vmk/-