



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1007 BAIL APPLICATION NO. 318 OF 2024

Dnyanoba Angad Oname

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Salunke Sudarshan J

APP for Respondents: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 19th MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 150 of 2019 registered with Shirur Anantpal police station, District Latur for the offences punishable under Sections 143, 147, 148, 149, 302, 307, 504 of the I.P.C. and under Section 135 of the Maharashtra Police Act, on the ground that there is delay for conducting the trial.

2. A report is lodged on the allegations that the applicant and other 16 persons assaulted Subhash Dayanand Sude and Dayanand Namdeo Sude and others sustained serious injuries in that assault. Earlier the applicant filed an application which was withdrawn when this Court expressed disinclination to allow the said application.

3. The ground raised in this application is that more than four

years are over, however, the trial is not proceeding further only charge is framed and the application for framing additional charge is pending.

4. Learned advocate for the applicant submitted that speedy trial is the fundamental right as crystallized under Article 21 of the Constitution of India. There is no hope that the trial court would conclude the trial as early as possible. He therefore, prayed to allow the application. He placed reliance on the judgment of the Hon'ble Supreme court in the case of **Manish Sisodia vs. Central Bureau of Investigation**, delivered in criminal appeal (arising out of special leave petition (Criminal) No. 8167 of 2023) decided on 30.10.2023, in which in para 26, the Hon'ble Supreme Court, has observed as under:-

“26. However, we are also concerned about the prolonged period of incarceration suffered by the appellant – Manish Sisodia. In **P. Chidambaram v. Directorate of Enforcement**, the appellant therein was granted bail after being kept in custody for around 49 days, relying on the Constitution Bench in **Shri Gurbaksh Singh Sibbia and Others v. State of Punjab, and Sanjay Chandra v. Central Bureau of Investigation**, that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case. Ultimately, the consideration has to be made on a case to case basis, on the facts. The primary object is to secure the presence of the accused to stand trial. The argument that the appellant therein was a flight risk or that there was a possibility of tampering with the evidence or influencing the witnesses, was rejected by the Court. Again,

in **Satender Kumar Antil v. Central Bureau of Investigation and Another**, this Court referred to **Surinder Singh Alias Shingara Singh v. State of Punjab and Kashmira Singh v. State of Punjab**, to emphasise that the right to speedy trial is a fundamental right within the broad scope of Article 21 of the Constitution. In **Vijay Madanlal Choudhary (supra)**, this Court while highlighting the evil of economic offences like money laundering, and its adverse impact on the society and citizens, observed that arrest infringes the fundamental right to life. This Court referred to Section 19 of the PML Act, for the in-built safeguards to be adhered to by the authorised officers to ensure fairness, objectivity and accountability. **Vijay Madanlal Choudhary (supra)**, also held that Section 436A of the Code can apply to offences under the PML Act, as it effectuates the right to speedy trial, a facet of the right to life, except for a valid ground such as where the trial is delayed at the instance of the accused himself. In our opinion, Section 436A should not be construed as a mandate that an accused should not be granted bail under the PML Act till he has suffered incarceration for the specified period. This Court, in **Arnab Manoranjan Goswami v. State of Maharashtra and Others**, held that while ensuring proper enforcement of criminal law on one hand, the court must be conscious that liberty across human eras is as tenacious as tenacious can be.”

5. Learned A.P.P. for the respondent State has strongly opposed the application and submitted that the applicant is involved in serious crime. He is booked for committing murders of two persons alongwith co-accused and they have also caused serious injuries to the other witnesses. There is direct evidence of injured witnesses. Considering serious nature of the crime, it is lastly prayed

to reject the application.

6. Nobody will dispute the ratio laid down by the Hon'ble Supreme Court in the case of ***Manish Sisodia vs. Central Bureau of Investigation (cited supra)***. However, considering serious nature of the crime, it would be appropriate to direct the trial court to conclude the trial as early as possible and in any case within six months from today. The application deserves to be rejected. Hence the following order:-

O R D E R

- I. The application is rejected.
- II. A report was called from the Principal District and Sessions Judge, Latur as to how many cases are expedited either by the Hon'ble Supreme Court or by this Court, pending before the Judges, in the entire judicial district Latur. The report discloses that the Judges at the headquarter at Latur are handling some cases will be expedited. However, there is no report of Additional Sessions Judge, Nilanga, district Latur. The Roznama of Sessions Case No.2 of 2022 does not disclose that any such case is expedited by the Hon'ble Supreme court or by this this court. Therefore, the Sessions Case has been adjourned. Therefore, considering all these aspects, it would be proper to direct the trial court to expedite the case and decide it as early as possible and in any case within a period of six months from today. Needless to mention that it is a sessions trial and word "sessions" means once it is started it shall not be stopped till it is concluded.
- III. The Trial Court is further directed not to grant adjournments if it

is prayed on behalf of either the prosecution or the defence unless there is extreme urgency or reasonable ground. If the accused are not produced, the Trial Court may call the jail authority and escort party and warn them by passing an order accordingly by giving one opportunity to them to produce the accused, under trial prisoners continuously. If it is not followed then the Trial Court may proceed against these authorities for not following the order of the legal authority of public servant as per the (applicable) provisions of Chapter X of the Indian Penal Code. If any accused is released on bail in the said trial is not appearing, then the Trial Court may proceed to cancel their bail. If the accused, advocates for accused or the public prosecutor are not cooperating the Court for conducting the trial as expeditiously as possible, the Trial Court may impose heavy costs on the concerned accused.

- IV. The Trial Court is expected to conduct the trial on day to day basis or in any case at least twice or thrice in a week.
- V. If the trial is not concluded within six months from today, the applicant is at liberty to file application for bail before this Court.

7. The learned Principal and District and Sessions Judge, Latur is also directed to submit report as to how many cases are pending before the Additional Sessions Judge, Nilanga and in other Taluka Courts of entire Latur district, on or before 29.04.2024.

8. The wife of the applicant is present in the court. She submitted that she is having two daughters viz. Smira, 8 years old and Swara 7 years old. She submitted that since the applicant is behind bars and she is unable to maintain herself and these two

daughters. There is no such scheme by which the District Legal Services Authority can provide monetary reliefs to these daughters, who are indirectly affected by this crime and due to incarceration of the applicant, they are suffering. They are indirectly victims of crime and by which they can get monthly monetary benefits of scheme. However, the State Government has launched some schemes like Shravan Bal Yojna and Eklavya Scheme etc. Therefore, considering above reasons, it would be proper to direct the Tahsildar, Nilanga to provide monetary reliefs to these two daughters of the applicant even though those are daughters of the accused.

9. The Secretary, District Legal Services Authority, Latur is directed to help the wife and two daughters of applicant for getting the continuous monetary reliefs i.e. submission of application with necessary documents etc and communicate the progress report of it to this Court on or before 08.05.2024.

10. The wife of the applicant, who is present in the court, is also instructed to visit the office of the Secretary, District Legal Services Authority, Latur and Tahsildar, Nilanga, District Latur, per month, for getting such monetary reliefs for her and her daughters.

11. List the matter for report on 09.05.2024.

(SANJAY A. DESHMUKH, J.)