

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2439 OF 2024**

Vijay Balu Mane

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Veerdhaval Kakade i/by Ms. Mrunal Jadhav, for the Applicant.

Mr. C.D. Mali, APP, for the Respondent-State.

Mr. Kunal Ambulkar for Intervener.

Mr. D.P. Tayshete, HC, B.No. 1394, Karad Taluka Police Station, District Satara, present.

Mr. Abasaheb Dilip Sankpal, First Informant- present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 25th October 2024

P. C.

1. Heard Mr. Kakade, learned Counsel for the Applicant, Mr. Mali, learned APP for the State and Mr. Ambulkar, learned Counsel for the First Informant.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	476 of 2017
2	Date of registration of F.I.R.	18/11/2017
3	Name of Police Station	Karad Taluka, District-Satara
4	Section/s invoked	320, 120-B r/w 34 of the <i>I.P.C., 1860</i> ;
5	Date of incident	18/11/2017
6	Date of arrest	19/11/2017
7	Date of filing Charge-sheet	12/02/2018

3. The Applicant is seeking regular bail in connection with C.R. No.476 of 2017 registered with Karad Taluka Police Station, Karad for the offences punishable under Sections 302, and 120-B read with 34 of the *Indian Penal Code, 1860*.

4. At the outset, Mr. Kakade, learned Counsel submitted that the Applicant is not seeking bail on merits and the bail is sought only on the ground of long incarceration. He states that the Applicant is incarcerated since 19th November 2017. He states that although the Applicant is incarcerated for about 7 years, the trial is not yet completed and therefore the Applicant is entitled to be released on bail. He states that the Applicant is also seeking bail on the ground of parity. He states that co-Accused Chinmay Prashant Jagtap has been granted bail by Order dated 16th April 2024 passed by this Court in Bail Application No. 4253 of 2023.

5. Mr Mali, learned APP and Mr. Ambulkar, learned counsel for the first Informant strongly opposed the application. Both of them submitted that the Applicant is involved in serious crime. Learned AGP also states that there is one more case registered against the Applicant bearing F.I.R. No. 23 dated 8th January 2020. The said F.I.R. is under Sections 141, 143, 146, 147, 149, 323, 504 and 506 of the Indian Penal Code. As per the said F.I.R., certain altercation took place between the

Accused, who are in jail at Satara and therefore the offence is registered.

6. Mr. Mali, learned APP submitted report dated 23rd October 2024 of learned Additional GP, Karad stating that in the Sessions Case, the Charge is already framed on 27th August 2019. In the said Sessions Case, there are total 30 witnesses proposed to be examined by the prosecution and till date 7 witnesses have been examined. It is stated that the efforts will be made to conclude the trial expeditiously preferably within a period of 1 week.

7. Perusal of the record shows that F.I.R. was lodged on 18th November 2017 and the Applicant was arrested on 19th November 2017. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 12th February 2018. The charge was framed on 27th August 2019. Till date, only 7 witnesses have been examined. The trial is likely to take a considerably long time. The Applicant is incarcerated since about 7 years. The prosecution proposes to examine about 23 witnesses hereinafter.

8. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the

Accused.¹ If the Applicant's detention continues, it will amount to an infringement of his fundamental right under Article 21 of the Constitution of India of speedy trial.

9. Mr. Kakade, learned Counsel for the Applicant, after taking instructions, states that as several witnesses are from Taluka-Karad and Taluka-Patan of District-Satara, the Applicant will therefore not reside within District-Satara and that the Applicant will reside at C/o. Laxman Vishnu Aaiwale, Post Vita, Gandhi Nagar, Taluka Khanapur, District-Sangli.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

ORDER

- (a) The Applicant- Vijay Balu Mane be released on bail in connection with C.R. No.476 of 2017 registered with the Karad Taluka Police Station, District-Satara on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Satara district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell

¹ Hussainara Khatoon (IV) v. Home Secy., State of Bihar, (1980) 1 SCC 98

phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

- (d) The Applicant shall report to the Vita Police Station, District–Sangli once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Vita Police Station, District–Sangli to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

BHALCHANDRA
GOPAL
DUSANE

[MADHAV J. JAMDAR, J.]

Digitally signed by
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