



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.217 OF 2024

Shravankumar Ghutar Choudhari ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Manisha Jadhav i/b. Mr. S. K. Kamble, Advocates, for the Applicant.
Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 2nd APRIL 2024

P. C.:

1. Heard Ms. Jadhav, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* (“CrPC”). The relevant details are as follows:-

1.	C. R. No.	133 of 2017
2.	Date of registration of F.I.R.	11/03/2017
3.	Name of Police Station	Tulinj, District-Palghar
4.	Section/s invoked	302, 323 and 504 of the Indian Penal Code, 1860
5.	Date of incident	11/03/2017

6.	Date of arrest	11/03/2017
7.	Date of filing of Charge-sheet	08/06/2017

3. As per the prosecution case, in the morning on 11th March 2017 some scuffle occurred between the Applicant and the deceased, as the deceased expressed his opinion that the Applicant had not flushed the toilet after attending nature's call but the Applicant insisted that he had flushed the toilet after attending nature's call. The neighbours stopped the said scuffle. However, thereafter again the deceased started abusing the Applicant and at that time, the Applicant assaulted the deceased with a kitchen knife.

4. Ms. Jadhav, learned Counsel for the Applicant submitted that the incident in question occurred on the spur of the moment. She submitted that there was no intention to commit the said crime. She submitted that the Applicant was arrested on 11th March 2017 and that there is no further progress in the trial till date and even the charge is also not framed yet. She therefore, submitted that the Applicant is entitled to be released on bail as there is a violation of his fundamental right to speedy trial.

5. On the other hand, Mr. Mangaonkar, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that the Applicant has mercilessly assaulted the deceased with a knife. He submitted that there are 3 eye-witnesses to the incident and their statements are also recorded under Section 164 of the CrPC. He therefore, submitted that the Bail Application be rejected. After taking instructions, he submitted that there are no criminal antecedents against the Applicant.

6. *Prima facie*, there is substance in the contention of the learned Counsel for the Applicant that the incident in question occurred on the spur of the moment.

7. Perusal of the record shows that in the present case, the incident in question occurred on 11th March 2017, F.I.R. was lodged on 11th March 2017, the Applicant was arrested on 11th March 2017 and, Charge-sheet was filed on 8th June 2017. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 17 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. The Applicant is incarcerated since more than 7 years. 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 Therefore, the Applicant is entitled for bail.

9. The Applicant does not have any criminal antecedents.

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 - Shravankumar Ghutar Choudhari be released on bail in connection with C.R. No.133 of

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

2017 registered with the Tulinj Police Station, District-Palghar on his furnishing P.R. Bond of Rs.10,000/- with one or two sureties in the like amount.

- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Tulinj Police Station, District - Paghar as and when called by the Investigating Officer.
- (d) 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.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the

Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) 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 the 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.

[MADHAV J. JAMDAR, J.]