

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1299 OF 2024

Maruti Machindra Kale

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Ms. Rui Danawala i/b. Mr. Ashraf Ali Akhtar Shaikh, Advocates, for the Applicant.

Mr. Shriram S. Chaudhari, APP, for the Respondent-State.

Mr. L. V. Navale, Police Naik attached to Indapur Police Station, Pune present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 1st APRIL 2024

PC:-

1. Heard Ms. Danawala, learned Counsel for the Applicant and Mr. Chaudhari, learned APP for the Respondent-State.

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.	524 of 2017
2.	Date of registration of F.I.R.	10/08/2027
3.	Name of Police Station	Indapur, District-Pune
4.	Section/s invoked	302, 307, 324, 452, 506 r/w.

		34 of the Indian Penal Code, 1860
5.	Date of incident	10/08/2017
6.	Date of arrest	11/08/2017
7.	Date of filing of Charge-sheet	02/12/2017

3. At the outset, Ms. Danawala, learned Counsel for the Applicant pointed out that this is the third Bail Application. The first Bail Application was allowed to be withdrawn and the second Bail Application was dismissed on merits. She states that as the first two Bail Applications were rejected, she is not arguing the matter on merits. However, she states that the Applicant is incarcerated since 11th August 2017 and till date, there is no progress in the trial, except framing of the charge. She states that therefore there is violation of the fundamental right of speedy trial of the Applicant.

4. On the other hand, Mr. Chaudhari, learned APP strongly opposed the Bail Application. He submitted that the first two Bail Applications were rejected on merits and therefore the Bail Application cannot be entertained on merits. He further submitted that there are eye-witnesses to the incident. As far as stage of the

trial is concerned, on instructions, he fairly pointed out that charge was framed on 14th March 2018 and thereafter there is no further progress in the trial.

5. This is a case where the incident in question occurred on 10th August 2017, F.I.R. was lodged on 10th August 2017, the Applicant was arrested on 11th August 2017 and, Charge-sheet was filed on 2nd December 2017. There is no further progress in the trial, except framing of the charge on 14th March 2018. As per the Charge-sheet, there are 22 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.

6. 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.

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

7. There are no criminal antecedents against the present Applicant.
8. The Applicant does not appear to be at risk of flight.
9. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
10. In view thereof, the following order:-

ORDER

- (a) The Applicant – Maruti Machindra Kale be released on bail in connection with C.R. No.524 of 2017 registered with the Indapur Police Station, District - Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent 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 Indapur Police Station, District - Pune on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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.

11. The Bail Application is disposed of accordingly.

12. 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.]