

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1340 OF 2024

Ravi Baban Bhagat

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

 Mr. Vivek N. Arote, Advocate, for the Applicant.

Ms. S.S. Kaushik, APP, for Respondent- State.

 Mr. Sandip Kailas Borkar, PSI, Chakan Police Station, present

CORAM : MADHAV J. JAMDAR, J.

DATED : 8th April 2024

P. C.

1. Heard Mr. Arote, learned Counsel for the Applicant and Ms. Kaushik, 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.	485 of 2018
2.	Date of registration of F.I.R.	22 nd May 2018
3.	Name of Police Station	Chakan, District-Pune
4.	Section/s invoked	307, 326(A) r/w 34 of <i>I.P.C., 1860</i> ;
5.	Date of incident	22 nd May 2018
6.	Date of arrest	23 rd May 2018
7.	Date of filing of Charge-sheet	14 th August 2018

3. The prosecution case is that the injured i.e. Informant was working as a Supervisor in 'Super Auto India' Company for several years in the Dispatch Section. There were six workers under him and as the Applicant and his father were not working properly, about 7 to 8 days, prior to the incident in question, he told them to do the work properly and on that count, some quarrel took place between them. Therefore, the Manager of the Company warned the Applicant and his father. On 21st May 2018, both, the Applicant and his father, worked from 11.00 p.m. to 5.00 a.m. alongwith the injured and thereafter at about 5.15 a.m., the injured went to the cabin of the pick-up van for taking rest. At that time, at about 5.30 a.m., the Applicant alongwith his father went there and they poured acid from a bottle, on the Informant/injured and due to the same, the Informant/injured sustained burn injuries on face, chest, stomach, arms, legs, and also on back.

4. At the outset, Mr. Arote, learned Counsel for the Applicant submitted that he is not arguing the matter on merits. However, he submitted that he is seeking bail on the ground of long incarceration as the Applicant's fundamental right to speedy trial is violated. He submitted that the Applicant is in custody since 23rd May 2018 i.e. for almost six years and still there is no progress in the trial. Accordingly, he seeks bail on the ground of violation of Applicant's fundamental right to speedy trial guaranteed under Article 21 of the Constitution of

India.

5. On the other hand, Ms. Kaushik, learned APP vehemently opposed the Bail Application and submitted that the offence is very serious. She pointed out the Injury Certificate dated 23rd May 2018 at page 38 and submitted that the injuries are grievous in nature. She submitted that the acid was poured by the Applicant on the vital parts of the body. She therefore submitted that the Bail Application be rejected.

6. It is required to be noted that *prima facie*, there is substance in the contention raised by the learned APP that the case is serious, where the Applicant has poured acid on the body of the injured and the injuries are grievous. However, it is also required to be noted that the Applicant is in custody since 23rd May 2018. The incident in question took place on 22nd May 2018, F.I.R. was lodged on 22nd May 2018, the Applicant was apprehended on 23rd May 2018 and Charge-sheet is filed on 14th August 2018. As per the Charge-sheet, there are about 19 witnesses proposed to be examined by the prosecution. In this case, although the Charges were framed on 10th December 2021, till date there is no progress in the trial and even a single witness has not been examined by the prosecution.

7. 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 device such a procedure as would ensure speedy trial to the Accused.¹

8. Learned Counsel for the Applicant submitted that this is the only offence against the present Applicant and there are no antecedents. Ms. Kaushik, learned APP, on instructions, states that there are no other antecedents.

9. However, is it to be noted that the incident in question took place at Chakan. Most of the witnesses are from Pune district. The injured resides at Khed-Taluka, Pune-District. In view of this, Mr. Arote, learned Counsel for the Applicant on instructions states that the Applicant will not reside within District-Pune and that the Applicant will reside at his native place i.e. Dongargaon, Post Hivra, Manora, District-Washim.

10. The trial is likely to take a considerably long time.

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

12. The Applicant does not have any criminal antecedents.

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

14. In view thereof, the following order:-

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

ORDER

(a) The Applicant – Ravi Baban Bhagat be released on bail in connection with C.R. No.485 of 2018 registered with the Chakan 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) The Applicant shall not enter the Pune 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 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 Manora Police Station, District - Washim once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Manora Police Station, District - Washim 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 prosecution witnesses 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.

15. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]