

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

CRIMINAL BAIL APPLICATION NO.1444 OF 2024

Nagesh *alias* Takkala Sanmukha
alias Ashok Alle

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Akshay Deshmukh i/by Mr. Sanket Kadam, Advocates, for the Applicant.

Mr. P.P. Malshe, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 15th April 2024

P. C.

1. Heard Mr. Deshmukh, learned Counsel for the Applicant and Mr. Malshe, 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.	94 of 2016
2.	Date of registration of F.I.R.	13th May 2016
3.	Name of Police Station	Mundhwa, District- Pune
4.	Section/s invoked	302, 379 r/w 34 of <i>I.P.C.</i> , 1860; 37(1), 135 of Bombay Police Act, 1951
5.	Date of incident	13th May 2016
6.	Date of arrest	27th May 2016
7.	Date of filing Charge-sheet	16th August 2016

3. As per the prosecution case, deceased-Vinod Ukirda Bage was providing labourers to Jani Candies & Toffees Private Limited. There are total three Accused. All these Accused were working as labourers and as the deceased had not made payment of salary, some altercation took place and the Accused assaulted the deceased with a wooden rod, cement rod, and a knife.

4. At the outset, Mr. Deshmukh, learned Counsel for the Applicant submits that the Applicant is in custody since 27th May 2016 and the trial has not concluded till date. He states that therefore the Applicant is entitled to be released on bail on account of violation of his fundamental right to speedy trial. Apart from that, he submitted that the position on record clearly shows that the incident in question took place on the spur of the moment and therefore, the offence under Section 302 of *I.P.C., 1860* is not made out.

5. On the other hand, Mr. Malshe, learned APP vehemently opposed the Bail Application and submitted that eight witnesses have been examined by the prosecution and therefore the trial will conclude shortly.

6. The position on record shows that the incident in question took place on 13th May 2016, the F.I.R. was lodged on 13th May 2016, the Applicant was arrested on 27th May 2016 and the Charge-sheet was filed on 16th August 2016. Although the Applicant is in custody since

about 8 years, the trial is not yet concluded. Although 8 witnesses have been examined, the prosecution proposes to examine total 32 witnesses.

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

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

9. The Applicant does not have any criminal antecedents.

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

11. In view thereof, the following order:-

ORDER

(a) The Applicant - Nagesh *alias* Takkala Sanmukha *alias* Ashok Alle be released on bail in connection with C. R. No.94 of 2016 registered with the Mundhwa Police Station, District - Pune on his furnishing P.R. Bond of Rs.10,000/- with one or two local sureties in the like amount..

(b) The Applicant is permitted to furnish cash bail surety in the sum of Rs.10,000/- for a period of two months in lieu

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

of surety.

(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 Mundhwa Police Station, District - Pune as and when called.

(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 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.

12. The Bail Application is disposed of accordingly.

13. 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.]