

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

CRIMINAL BAIL APPLICATION NO.1735 OF 2024

Sachin *alias* Bala Vitthal Sonawane

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi (through VC) i/by Disha Rathod, Advocates, for the Applicant.

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

PSI, Mr. Ganesh Dixit, Alankar Police Station, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 9th May 2024

P. C.

1. Heard Mr. Joshi, 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.	45 of 2017
2.	Date of registration of F.I.R.	30 th March 2017
3.	Name of Police Station	Alankar, District- Pune
4.	Sections invoked	307, 120B r/w 34 of <i>I.P.C., 1860</i> ; 3(25) of <i>Arms Act, 1959</i> 37(1) r/w 135 of <i>Maharashtra Police Act, 1951</i> .
5.	Date of incident	30 th March 2017
6.	Date of arrest	31 st March 2017
7.	Date of filing Charge-sheet	27 th June 2017

3. As per the prosecution case, the Applicant conspired along with co-Accused, and the Applicant fired the bullet in the said incident.
4. Mr. Joshi, learned Counsel for the Applicant submits that the Applicant is in custody since 31st March 2017. He submitted that till date only 5 witnesses have been examined by the prosecution. He submitted that the injured himself has not supported the case of the prosecution. He therefore submitted that there is a very remote possibility of conviction and the Applicant is entitled to be released on bail. In any case, he submitted that there is a violation of the Applicant's fundamental right to speedy trial.
5. On the other hand, Mr. Malshe, learned APP vehemently opposed the Bail Application and submitted that the trial is in progress and four witnesses will be examined.
6. Perusal of record shows that the last witness was examined on 26th June 2023 i.e. about 1 year ago. The injured has not supported the case of the prosecution. There are 3 antecedents, however, the antecedents are of the year 2013.
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 material on record clearly show that the Applicant is incarcerated for more than 7 years 2 months and still the trial is not concluded. Therefore, there is violation of fundamental right of the Applicant of speedy trial.

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

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

11. In view thereof, the following order:

ORDER

(a) The Applicant - Sachin *alias* Bala Vitthal Sonawane be released on bail in connection with C.R. No.45 of 2017 registered with the Alankar Police Station, Pune, District - Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local 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 Alankar Police Station, Pune, District - Pune on the first Sunday of every

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

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 prosecution 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.

12. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]