

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

BAIL APPLICATION NO. 1879 OF 2024

Dada *alias* Ghalu Khajabhai Shaikh

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Rupesh Zade a/w. Ms. Priyanka Gupta, for the Applicant.
Ms. Savita M. Yadav, APP, for the Respondent – State.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 30.04.2024**

P. C.

1. Heard Mr. Zade, learned Counsel for the Applicant and Ms. Yadav, 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.	468 of 2019
2.	Date of registration of F.I.R.	05.12.2019
3.	Name of Police Station	Walchandnagar, Pune district
4.	Section invoked	302 of the I.P.C., 1860
5.	Date of incident	04.12.2019 11.00 p.m.-6.00 p.m.
6.	Date of arrest	07.12.2019

3. As per the prosecution case, the incident in question had taken place early in the morning on 05.12.2019. The Applicant was under the impression that the deceased used to tell and provoke the Applicant’s wife with various complaints against the Applicant.

Therefore, there used to be frequent quarrels between the Applicant and his wife.

4. Mr. Zade, learned Counsel for the Applicant submitted that the Applicant is incarcerated since 07.12.2019. He submitted that although the Applicant is incarcerated since four years and six months, till date, there is no progress in the trial except framing of charge on 26.07.2022. He submitted that the case is of circumstantial evidence. Therefore, the Bail Application be granted.

5. On the other hand, Ms. Yadav, learned APP vehemently opposed the Bail Application. She submitted that there is an evidence in the nature of C.C.T.V. footage. She submitted that a knife has been recovered at the instance of the Applicant. Therefore, the Bail Application be rejected.

6. A perusal of the record shows that the incident in question has taken place on 05.12.2019. The F.I.R. was registered on 05.12.2019 and the Applicant was apprehended on 07.12.2019. Till date, there is no progress in the trial except framing of charge on 26.07.2022. It is required to be noted that even the charge was also framed on 26.07.2022 and thereafter, although about two years have passed but not a single witness has been examined. Therefore, there is a violation of the fundamental right of the Applicant of speedy trial.

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 trial is unlikely to conclude any time soon and is likely to take a considerably long time.

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 - Dada *alias* Ghalu Khajabhai Shaikh be released on bail in connection with C. R. No.468 of 2019 registered with the Walchandnagar Police Station, District-Pune(Rural) 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 Walchandnagar Police Station, District – Pune(Rural) once in every month i.e. on the first Sunday of every month between 11.00 a.m.

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

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.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]