

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

BAIL APPLICATION NO. 1993 OF 2024

Vijay Lullu Boga .Applicant

Versus

The State of Maharashtra .Respondent

Mr. Amit Icham, Advocate, for the Applicant.

Mr. S. M. Mangaonkar, APP, for the Respondent – State.

Mr. K. S. Pathare, ASI, MIDC Bhosari Police Station, Pune, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 09.05.2024

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1. Heard Mr. Icham, learned Counsel for the Applicant and Mr. Mangaonkar, 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.	188 of 2018
2.	Date of registration of F.I.R.	08.06.2018
3.	Name of Police Station	Bhosari, Pune
4.	Sections invoked	307 & 376 of the I.P.C., 1860
5.	Date of incident	07.06.2018
6.	Date of arrest	08.06.2018

3. At the outset, Mr. Icham, learned Counsel for the Applicant submitted that although this is the first Bail Application, he is arguing the Application only on the ground of prolonged incarceration. He submitted that the Applicant is incarcerated since 08.06.2018. About

six years have passed and yet the trial has not yet commenced and even the charges are not framed yet.

4. On the other hand, Mr. Mangaonkar, learned APP strongly opposed the Bail Application. He submitted that the case is fixed for framing of the charge.

5. 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.

6. This is a case where the fundamental right of speedy trial of the Applicant as guaranteed under Article 21 of the Constitution of India is violated. Thus, the Applicant is entitled to be released on bail.

7. In view thereof, the following order:

ORDER

(a) The Applicant - Vijay Lullu Boga be released on bail in connection with C. R. No. 188 of 2018 registered with the Bhosari Police Station, District- Pune on his furnishing P. R. Bond of Rs.10,000/- with one or two local solvent sureties in the like amount.

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

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

in lieu 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 Bhosari 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.

(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 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.

8. The Bail Application is disposed of accordingly.

9. 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.]