

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2658 OF 2023

Sujit Shrimant Jadhav	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Sana Raees Khan a/w. Mr. Aditya Parmar and Mr. Abhijeet Singh, Advocates, for the Applicant.
 Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.
 Mr. Bhagwan Kamble, A.P.I., Chandan Nagar Police Station, Pune City, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 1st APRIL 2024

P. C.:

1. Heard Ms. Khan, 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.	59 of 2018
2.	Date of registration of F.I.R.	17/02/2018
3.	Name of Police Station	Chandan Nagar, Pune City
4.	Section/s invoked	302 r/w. 34 of the Indian

		Penal Code, 1860; 25 and 4 of the Arms Act, 1959; 135 and 37(1) of the Bombay Police Act, 1951;
5.	Date of incident	16/02/2018
6.	Date of arrest	17/02/2018
7.	Date of filing of Charge-sheet	April 2018

3. At the outset, Ms. Khan, learned Counsel for the Applicant submitted that she is not arguing the matter on merits as the first Bail Application of the present Applicant was rejected on merits by Order dated 12th March 2019 passed in Bail Application No.82 of 2019. However, she submitted that the Applicant is behind bar since 17th February 2018 and till date the trial has not concluded. She pointed out the Order dated 20th March 2024 passed by the Supreme Court of India in Petition(s) for Special Leave to Appeal (Crl.) No.13023 of 2023 by which the co-Accused has been granted bail considering the period of incarceration of about 5 years and 6 months. She therefore submitted that the present Applicant be granted bail for the same reason.

4. On the other hand, Mr. Mangaonkar, learned APP for the Respondent-State strongly opposed the Bail Application and

submitted that the trial has commenced and that two witnesses have been examined.

5. Ms. Khan, learned Counsel for the Applicant submitted that the Order of the Supreme Court of India is dated 20th March 2024 which implies that this same situation existed even when the Supreme Court granted bail to the co-Accused. In any case, she submitted that as reflected from the Charge-sheet, there are 32 witnesses proposed to be examined by the prosecution. Of course, the prosecution will select the witnesses. However, trial will take a considerable time to conclude. She also submitted that there are no other antecedents.

6. The Supreme Court of India has passed the following Order on 20th March 2024 concerning co-Accused:-

“Considering the period of incarceration already undergone by the Petitioner which is about 5 years and 6 months and the material placed on record, we are inclined to grant bail.

Accordingly, the petitioner be released on bail subject to such terms and conditions as may be imposed by the Trial Court.

The Special Leave Petition is, accordingly, disposed of.

Pending application(s), if any, shall stand disposed of.”

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 The Applicant is incarcerated since 17th February 2018 i.e. for more than 6 years and 6 months. The material on record shows that the trial will take considerable time to conclude. Therefore, the Applicant is entitled for bail.

8. The Applicant does not have any criminal antecedents.

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:-

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

ORDER

- (a) The Applicant - Sujit Shrimant Jadhav be released on bail in connection with C.R. No.59 of 2018 registered with the Chandan Nagar Police Station, Pune City on his furnishing P.R. Bond of Rs.50,000/- with one or two 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 Chandan Nagar Police Station, Pune City once a week i.e. on every Sunday 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 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 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.]