

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2448 OF 2024

Pradip Nivrutti Thakur	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Akshay Bankapur, Advocate, for the Applicant.
 Mr. C. D. Mali, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 18th DECEMBER 2024

PC:-

1. Heard Mr. Bankapur, learned Counsel appearing for the Applicant and Mr. Mali, learned APP appearing 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.	190 of 2023
2.	Date of registration of F.I.R.	17 th May 2023
3.	Name of Police Station	Nandgaon, Dist. Nashik
4.	Section/s invoked	302, 120B, 203, 506 r/w.34 of

		the Indian Penal Code, 1860.
5.	Date of incident	16 th May 2023
6.	Date of arrest	22 nd May 2023
7.	Date of filing of Charge-sheet	14 th August 2023

3. As per the prosecution case, the Applicant is cousin of deceased Bhola alias Walmik Sahebrao Thakur (Pawar). Said Walmik under the influence of liquor used to assault his wife Pooja as well as his parents. It is the prosecution case that when the incident in question took place on 16th May 2023, the Applicant and co-Accused-Ishwar Devram Thakur had met the deceased Walmik for the purpose of convincing him to behave properly and not to consume liquor. At that time, the incident took place and the Applicant and co-accused assaulted the deceased with an iron hammer on his head and legs.

4. It is the submission of Mr. Bankapur, learned Counsel appearing for the Applicant that the Applicant is in custody since more than one year and seven months i.e. from the date of arrest on 22nd May 2023. He submitted that there are only two accused persons. The Accused No.1-Ishwar Devram Thakur having same

role has been released on bail by this Court by the order dated 14th December 2024 passed in Bail Application No.5089 of 2024. He therefore, submits that the Applicant is entitled to be released on bail on the ground of parity. He further submits that the Applicant has no other antecedents.

5. On the other hand, Mr. Mali, learned APP for the Respondent-State strongly opposed the Bail Application. Mr. Mali, learned APP pointed out the statements of eye witnesses to the incident i.e. Rekha Ishwar Thakur (Page Nos. 90 to 92) and statement of Yashodabai Nivrutti Thakur (Page Nos. 93 to 95). He submitted that the material on record clearly shows the involvement of the Applicant in the offence in question and therefore, the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 16th May 2023, FIR has been registered on 17th May 2023 and the Applicant has been arrested on 22nd May 2023. Although the chargesheet is filed on 14th August 2023, till date there is no progress in the trial and even the charge is also not framed. As per the chargesheet, there are 30 witnesses proposed to

be examined by the prosecution. Accordingly, the trial is unlikely to conclude any time soon and is likely to take a considerably long time.

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 Therefore, the Applicant is entitled for bail. If the Applicant’s detention is continues, it will amount to an infringement of his fundamental right under Article 21 of the Constitution of India of speedy trial.

8. There are no criminal antecedents against the present Applicant.

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

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

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

11. In view thereof, the following order:-

ORDER

- (a) The Applicant – Pradip Nivrutti Thakur be released on bail in connection with C.R. No.190 of 2023 registered with the Nandgaon Police Station, District - Nashik on his furnishing P.R. Bond of Rs.25,000/- 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 Nandgaon Police Station, District - Nashik as and when required 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 Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

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[MADHAV J. JAMDAR, J.]