

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3033 OF 2024

Sahil Panchras	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Tapan Thatte a/w. Mr. Vivek Arote, Mr. Akshay Chitre &
Mr. Akshay Dingale, Advocates, for the Applicant.
Ms. R. V. Newton, APP, for the Respondent-State.
Mr. Joheb Wahab Shaikh, API, Dehu Road Police Station present

CORAM: MADHAV J. JAMDAR, J.
DATED : 26TH AUGUST 2024

P. C.:

1. Heard Mr. Thatte, learned Counsel for the Applicant and Mr. Chaudhari, learned APP for the Respondent-State.

2. This is the second Bail Application preferred by the Applicant. The first Bail Application No. 1528 of 2023 was allowed to be withdrawn by a learned Single Judge by Order dated 14.09.2023 and by the said Order, the Applicant has been granted liberty to file a fresh Bail Application after a period of one year, if there is no substantial progress in the trial.

3. Mr. Thatte, learned counsel for the Applicant states that this

Court had granted bail to the Accused No. 5 – Akshay Londhe by Order dated 09.07.2024 passed in Cri. B. A. No. 3872 of 2023 and therefore, the Applicant is seeking bail on the ground of parity. Therefore, the present Bail Application is filed before completion of one year, as directed by Order dated 14.09.2023. In any case, he submits that even the said period of 1 year as granted by Order dated 14.09.2023 is also on the verge of completion.

4. This second 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.	97 of 2022
2.	Date of registration of F.I.R.	12/02/2022
3.	Name of Police Station	Dehu Road, District-Pune
4.	Section/s invoked	302, 201 and 120-B r/w. 34 of the Indian Penal Code, 1860.
5.	Date of incident	30/01/2022
6.	Date of arrest	14/02/2022
7.	Date of filing of Charge-sheet	12/05/2022

5. Ms. Newton, learned APP vehemently opposes the Bail Application by filing affidavit-in-reply dated 16th August 2024 of Mr. Vijay Jankiram Waghmare, Senior Police Inspector, presently

attached to the Dehu Road Police Station, Pimpri Chinchwad. In the said affidavit-in-reply, the prosecution case is stated in paragraph 3 which reads as under :-

“3. I say that the prosecution story in short is as under :-

(a) The first information report (for short F.I.R.) was lodged by HC 811 Baliram Rambhau Chavan of Dehuroad police station (for short Informant) on the basis of investigation in a missing person report no. 08/2022 registered at Dehuroad police station on the complaint of Jyoti Akash Gorkhe regarding her missing husband named Akash Ashok Gorkhe. During the investigation of the said missing report it came to knowledge that accused named Soni Umesh Jegare (mother-in-law of deceased) hatched a conspiracy alongwith her daughter (wife of deceased) named Jyoti Akash Gorkhe, Ravi Dhanu Rathod, Akshay @ munna Chandrakant Londhe, Sahil Sanjay Panchras, Ramvijay Babudhansingh Kumar to murder Akash Gorkhe as he would assault, harass his wife Jyoti constantly after consuming alcohol. Jyoti fed up from Akash's behaviour complained to her mother. Her mother promised her she would take care of Akash once and for all. Soni approached Ravi Rathod with her proposal to dispose of Akash, Ravi suggested names of Akshay Londhe, Ramvijay Babudhansingh Kumar, Sahil Panchras for this job and also assured Soni money if she needed it for this job. Soni under the guise of love and sexual relationship got Akshay Londhe, Ramvijay Babudhansingh Kumar, Sahil Panchras ready to murder Akash. Ravi Rathod provided Rs. 3000/- to Akshay Londhe for this job. On 30/01/2022 they decided to execute their plan. They dropped Akash near Dehugav Kaman for a trip to Chalisgav in the rickshaw of Shahrukh Nazir Shaikh and Shubham Chandaliya. After that Akshay Londhe, Ramvijay Babudhansingh Kumar, Sahil Panchras

picked Akash from Dehugav Kaman and took him to Moi in their rickshaw where they consumed alcohol. After that they took Akash to a secluded spot near Nighoje where Ramvijay Babudhansingh Kumar assaulted Akash with a Koyta in his head, stomach, after Akash fell down Sahil Panchras hit Akash with a stone in his head assaulted Akash with bamboo, fists and kicks with the intention of murdering him. They disposed of his body by putting it in a plastic goni and dumped it in a drainage near Mahadev Aali, Chikhli, Pune.

(b) On the basis of the complaint lodged by the Orig. Complainant, offence vide CR No. 97/2022 dated 12.02.2022 came to be registered with Dehuroad Police Station, Pimpri Chinchwad, Dist. : Pune for offences punishable under sections 302, 364, 201, 120(b), 182, 34 of the Indian Penal Code along with sec. 37(1)(3) r/w 135 of Maharashtra Police Act against 1) Soni Umesh Jegare, 2) Jyoti Akash Gorkhe, 3) Ravi Dhanu Rathod, 4) Sahil Sanjay Panchras (Present Applicant/Accused hereinabove) 5) Akshay @ Munna Chandrakant Londhe 6) Ramvijay Babudhansingh Kumar and investigation commenced.”

6. It is the submission of Mr. Thatte, learned counsel for the Applicant that the Applicant was arrested on 14.02.2023. The charge-sheet was filed on 12.05.2022 and till date, there is no progress in the trial even charge is also not framed. He submits that the Applicant is seeking bail on the ground of parity as bail is granted to Accused No. 5 – Akshay Londhe as well as on the

ground of long incarceration. He further submits that there are in all six accused and out of six, four have been released on bail.

7. On the other hand, Ms. Newton, learned APP vehemently opposed the Bail Application. She submitted that the first Bail Application was rejected on merits on 14.09.2023. Therefore, the merits cannot be considered. On instructions, she submitted that the trial has not yet commenced and even charge is also not framed. She further submits that the Applicant has no antecedents.

8. Perusal of the record shows that in the present case, the incident in question occurred on 30th January 2022, F.I.R. was lodged on 12th February 2022, the Applicant was arrested on 14th February 2022 and, Charge-sheet was filed on 12th May 2022. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are about 25 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

9. 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.

10. The Applicant does not have any criminal antecedents.

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

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

13. In view thereof, the following order:-

ORDER

(a) The Applicant – Sahil Panchras be released on bail in connection with C.R. No.97 of 2022 registered with the Dehu Road Police Station, District – Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two

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

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 Dehu Road Police Station, District - Pune on the first Sunday of every month between 3.00 a.m. and 5.00 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.

14. The Bail Application is disposed of accordingly.

15. 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.]