

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO.3309 OF 2024**

|                          |               |
|--------------------------|---------------|
| Ravi Yadav Walhekar      | ...Applicant  |
| <i>Versus</i>            |               |
| The State of Maharashtra | ...Respondent |

---

Mr. Pranav Pokale (through Video Conferencing) a/w. Mr. Chinmay Sawant, Advocates, for the Applicant.  
Mr. Y. M. Nakhwa, APP, for the Respondent-State.

---

**CORAM:   MADHAV J. JAMDAR, J.**  
**DATED :   17<sup>th</sup> OCTOBER 2024**

**PC:-**

1.    Heard Mr. Pokale, learned Counsel appearing for the Applicant and Mr. Nakhwa, learned APP for the Respondent-State.
  
2.    This is a second Bail Application. The first Bail Application has been allowed to be withdrawn with liberty to file a fresh Bail Application after a period of six months by a learned Single Judge vide order dated 30<sup>th</sup> October 2023 passed in Bail Application No.998 of 2023.
  
3.    This matter is placed before this Court by the registry pursuant to the Administrative Order dated 8<sup>th</sup> February 2024 as

this Court has granted bail to co-Accused-Abhishek Balu Sasane *alias* Abhishek Manoj Patil *alias* Bhaiyya by order dated 13<sup>th</sup> March 2024 passed in Bail Application No.2277 of 2023. The relevant details are as follows:-

|    |                                |                                                                                                         |
|----|--------------------------------|---------------------------------------------------------------------------------------------------------|
| 1. | C. R. No.                      | 30 of 2022                                                                                              |
| 2. | Date of registration of F.I.R. | 6 <sup>th</sup> March 2022                                                                              |
| 3. | Name of Police Station         | Faraskhana, District-Pune                                                                               |
| 4. | Section/s invoked              | 397 r/w. 34 of of I.P.C., 1860; 4(25)(27)(35) of Arms Act and 37(1) r/w. 135 of Maharashtra Police Act. |
| 5. | Date of incident               | 6 <sup>th</sup> March 2022                                                                              |
| 6. | Date of arrest                 | 20 <sup>th</sup> May 2022                                                                               |
| 7. | Date of filing of Charge-sheet | 7 <sup>th</sup> June 2022                                                                               |

4. There are four persons involved in the crime including two children in conflict with law. As per the prosecution case, the complainant travelled in an Auto-rickshaw along with his friend Sarthak Malkhede and unknown persons i.e. the Accused. The complainant wanted to go to Sangamwadi, Pune, however, after reaching at Sancheti Hospital Chowk instead of going towards Sangamwadi, the Auto-rickshaw driver i.e. the co-Accused-

Abhishek Balu Sasane *alias* Abhishek Manoj Patil *alias* Bhaiyya took Auto-rickshaw under the bridge towards Mangalwar Peth. At that time, the complainant confronted him and two people sitting in the rear i.e. the present Applicant and a child in conflict with law threatened the complainant and Sarthak and demanded the mobile phone and money from them. At the threat of knife, they took away mobile phones and 500/- each from them and also transferred Rs.18,00/- from the PhonePe App from the mobile of the complainant and Rs.2,000/- from PhonePe account of his friend-Sarthak.

5. Mr. Pokale, learned Counsel for the Applicant submitted that the Applicant was apprehended on 20<sup>th</sup> May 2022 and the Charge-sheet has been filed on 7<sup>th</sup> June 2022 and the Applicant is in custody for more than 2 years and 5 months and there is no progress in the trial. He submitted that even though the Accused were not knowing the complainant and his friend, yet the test identification parade was not conducted. He submitted that although it is the case of the prosecution that the Applicant has been arrested on the basis of CCTV footage, the said panchnama is not part of the Charge-sheet. He submitted that although there are

antecedents, he has been granted bail in one case and another case has resulted in an acquittal. He submitted that as far as the antecedents are concerned, either the cases were registered after the Applicant was arrested in this case or in the already registered cases against unknown persons, he has been shown as an Accused. He also submitted that the Applicant is psychiatric patient and requires regular psychiatric treatment. The prisoner's medical status report has been submitted by the learned APP. The said report confirms that the Applicant requires regular psychiatric treatment.

6. On the other hand, Mr. Nakhwa, learned APP vehemently opposed the Bail Application. He submitted that there is evidence in the nature of CDR/SDR of mobile of the Applicant. He submitted that as far as C.R. No.59 of 2022 is concerned, the Auto-rickshaw which is stolen and the subject matter of the C.R. is recovered at the instance of the co-Accused. He submitted that it is the *modus operandi* of the Applicant to attack the persons travelling in an Auto-rickshaw and commit robbery. He therefore submitted that the Bail Application be rejected.

7. He submitted that there are total five cases registered against the Applicant. The details of the said cases are as follows:

| Sr. No. | Police Station | C.R. No. | Sections invoked            |
|---------|----------------|----------|-----------------------------|
| 1.      | Kothrud        | 59/2022  | 379 of IPC                  |
| 2.      | Shivajinagar   | 27/2022  | 392, 504 r/w. 34 of the IPC |
| 3.      | Yerwada        | 96/2022  | 379 of IPC                  |
| 4.      | Vishrantwadi   | 43/2022  | 307, 504 r/w. 34 of the IPC |
| 5.      | Nigdi          | 494/2015 | 379 and 406 of the IPC      |

He therefore, submitted that the Bail Application be rejected.

8. Mr. Pokale, learned Counsel appearing for the Applicant submitted that as far as C.R. No.59 of 2022 registered with Kothrud Police Station and C.R. No.43 of 2022 registered with Vishrantwadi Police Station are concerned, the same were registered after the Applicant has been arrested in the present case. He submitted that apart from the above cases, there is another C.R. No.171 of 2022 registered with Chandan Nagar Police Station under Section 379 of the Indian Penal Code, 1860 after the registration of the present crime. He submitted that as far as C.R. No.59 of 2022 registered with Kothrud Police Station is concerned,

by order dated 30<sup>th</sup> April 2023, the said matter has been settled between the parties before the National Lok Adalat held on 30<sup>th</sup> April 2023 and the Applicant has been acquitted for the offence punishable under Section 379 of the IPC as per Section 320(8) of the Cr.P.C. He further submitted that as far as other cases are concerned, the Applicant has been released on bail.

9. Perusal of the record shows that the incident in question took place on 6<sup>th</sup> March 2022, offence was registered on 6<sup>th</sup> March 2022 and the Applicant has been arrested on 20<sup>th</sup> May 2022. The investigation is complete and the Charge-sheet is filed on 7<sup>th</sup> June 2022 and till date there is no progress in the trial.

10. As per the prosecution case, there are 14 witnesses proposed to be examined by the prosecution. Accordingly, the trial is likely to take a considerably long time.

11. As far as the antecedents are concerned, as noted herein above, three cases are registered after the registration of the present crime. In view of the settlement between the Applicant and the Informant, one of the case has been resulted into acquittal for

the offence punishable under Section 379 of the IPC as per Section 320(8) of the Cr.P.C. as recorded in order dated 30<sup>th</sup> April 2023 passed by the learned JMFC, Court No.5, Pune in the National Lok Adalat in R.C.C. No.2601 of 2022. In other cases, the Applicant has been released on bail.

**12.** *Prima facie*, there is substance in the contention of learned Counsel for the Applicant that the test identification parade is not conducted and although the learned Sessions Judge has made reference to the CCTV footage, the panchnama to that effect is not annexed to the Charge-sheet. In any case the Applicant is incarcerated since more than 2 years and 5 months there is no progress in the trial.

**13.** 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.<sup>1</sup> Therefore, the Applicant is entitled for

---

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

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.

14. Mr. Pokale, learned Counsel appearing for the Applicant states that as several witnesses are residing in District-Pune and the antecedents are registered in various police stations at Pune, the Applicant will therefore not reside within District - Pune and that the Applicant will reside at Yashwant Nagar, Military Dairy Farm, Ketki, Nimbodi, District – Ahmednagar 414 001. He only states that the Applicant will enter District-Pune for taking psychiatric treatment at Sassoon Hospital, Pune as and when necessary.

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

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

17. In view thereof, the following order:-

**ORDER**



- (a) The Applicant – Ravi Yadav Walhekar be released on bail in connection with C.R. No.30 of 2022 registered with the Faraskhana Police Station, District - Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount, if not required in any other cases.
- (b) The Applicant shall not enter the Pune district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial and for taking psychiatric treatment at the Sassoon Hospital, Pune.
- (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 Bhingar Police Station, District - Ahmednagar twice a week, on every Sunday and Wednesday between 11:00 a.m. and 1:00 p.m. for six months and thereafter once a week on every Sunday between 11:00 a.m. and 1:00 p.m. The Police Inspector of Bhingar Police Station, District - Ahmednagar to communicate details thereof to the Investigating Officer.

- (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.

18. The Bail Application is disposed of accordingly.

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

SONALI  
MILIND  
PATIL  
Digitally  
signed by  
SONALI  
MILIND  
PATIL  
Date:  
2024.10.17  
17:31:12  
+0530

[MADHAV J. JAMDAR, J.]