

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4136 OF 2024

Tulshiram Pandu Nadge	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Saili Dhuru, Advocate, for the Applicant.
Ms. P. P. Bhosale, APP, for the Respondent-State.
Mr. Vikas Dargude, PSI, Mokhada Police Station, Dist. Palghar,
present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 13th NOVEMBER 2024

PC:-

1. Heard Ms. Dhuru, learned Counsel for the Applicant and Ms. Bhosale, learned APP for the Respondent-State.

2. This is a second Bail Application. The first Bail Application was withdrawn on 22nd January 2024, as it was informed to this Court that the trial had commenced. By the said order dated 22nd January 2024 passed in Bail Application No. 3043 of 2023, liberty has been granted to the Applicant to file a fresh Bail Application, if the trial is not concluded within a period of six months.

3. The relevant details are as follows:-

1.	C. R. No.	29 of 2022
2.	Date of registration of F.I.R.	01/03/2022
3.	Name of Police Station	Mokhada Police Station, Palghar.
4.	Section/s invoked	307 and 452 of the Indian Penal Code, 1860.
5.	Date of incident	01/03/2022
6.	Date of arrest	12/03/2022
7.	Date of filing of Charge-sheet	23/05/2022

4. By order dated 7th July 2022 passed by the learned Additional Sessions Judge, Thane in Application bearing Exhibit-7 in Sessions Case No.405 of 2022, the Bail Application filed by the Applicant has been rejected. In paragraph No.2 of the said order, the prosecution case is set out. The said paragraph No.2 reads as under:

“2] The facts in brief for making this application are as follows-

The informant is resident of Chas paiki, Jamdayacha pada, Tal.-Mokhada, Dist.-Palghar and working as a “Asha sevika”. The applicant/accused is also resident of the same village. He was having one sided love on the informant and so many times he

expressed the same to her. However, the informant has flatly refused for the same. Even after the refusal on the part of informant, the applicant/accused used to follow her in order to foster personal interaction with her. On 01.03.2022, at about 02:00 am the applicant/accused entered into the house of the informant. That time he was having a Koyta (an instrument like sickle). That time the informant was sleeping, therefore, applicant/accused woke up her. On seeing him, the informant started shouting. That time the applicant/accused hit that Koyta on her neck and several parts of her both hands. In that incident the informant had sustained serious bleeding injuries. On hearing the shout of the informant, her daughter-in-law woke up and saw the said incident. On seeing the informant's daughter-in-law, the applicant/accused rant away from that place. Thereafter, the informant was shifted to Rural Hospital, Mokhada for medical treatment. At the said hospital police of the Mokhada police station has recorded statement of the informant and on the basis of said statement registered a crime bearing No.29/2022 for the offence punishable under Section 307 and 452 of IPC against the applicant/accused. During the investigation, the applicant/accused was arrested on 12.03.2022 and since then he is in custody. Therefore, the applicant/accused approached this court for seeking bail."

5. At the outset, Ms. Dhuru, learned Counsel appearing for the Applicant states that stage of the trial is the same as that on 22nd January 2024 and therefore the trial will take considerable time to conclude. She further states that there are no criminal antecedents

against the Applicant. Therefore, she prayed that the Applicant be released on bail.

6. On the other hand, Ms. Bhosale, learned APP for the Respondent-State strongly opposed the Bail Application. The Respondent-State has filed affidavit-in-reply dated 24th October 2024 of Mr. Vikas Arun Dargude, Police Sub Inspector presently attached to Mokhada Police Station, District-Palghar. She states that there is material on record showing the involvement of the Applicant in the crime. Therefore, she prayed that the Bail Application be rejected.

7. The position on record shows that the Applicant has been arrested on 12th March 2022. The offence is under Sections 307 and 452 of the Indian Penal Code, 1860. Except framing of the charge and examining P.W.1, there is no further progress in the trial. As per the Charge-sheet, there are 18 witnesses proposed to be examined by the prosecution. Therefore, the trial will take considerably long time to conclude.

8. 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 If the Applicant’s detention continues, it will amount to an infringement of his fundamental right under Article 21 of the Constitution of India of speedy trial. Therefore, the Applicant is entitled to be released on bail by imposing certain conditions.

9. There are no criminal antecedents against the Applicant.

10. As most of the witnesses are from Taluka-Mokhada , District-Palghar, Ms. Dhuru, learned Counsel appearing for the Applicant states that the Applicant will not enter District – Palghar, except for attending the trial and if called by the Investigating Officer and that the Applicant will reside at Om Sai Ram House, Village-Vihighar, Taluka-Panvel, Dist. Raigad.

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

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

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

13. In view thereof, the following order:-

ORDER

- (a) The Applicant – Tulshiram Pandu Nadge be released on bail in connection with C.R. No.29 of 2022 registered with the Mokhada Police Station, Taluka - Mokhada, District - Palghar on his furnishing PR. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Palghar district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (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 Khandeshwar Police Station, Taluka - Panvel, District – Raigad once every week, on every Sunday between 11:00 a.m. and 1:00 p.m. till the conclusion of the trial. The Police Inspector of Khandeshwar Police Station, Taluka - Panvel, District - Raigad 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.

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.]