

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO.4403 OF 2024**

|                          |               |
|--------------------------|---------------|
| Amol Vasant Salwe        | ...Applicant  |
| <i>Versus</i>            |               |
| The State of Maharashtra | ...Respondent |

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Mr. Madhusudan Pareek, Advocate, for the Applicant.  
 Ms. P.P. Bhosale, APP, for the Respondent-State.

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**CORAM: MADHAV J. JAMDAR, J.**  
**DATED : 22<sup>nd</sup> November 2024**

**PC:-**

1. Heard Mr. Pareek, learned Counsel for the Applicant and Ms. Bhosale, 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.                       | 75/2023                                                                                        |
| 2. | Date of registration of F.I.R. | 23/02/2023                                                                                     |
| 3. | Name of Police Station         | Adgaon, Nashik                                                                                 |
| 4. | Section/s invoked              | 302, 323 & 34 of the <i>I.P.C., 1860</i> ;<br>135 of the <i>Maharashtra Police Act, 1951</i> . |
| 5. | Date of incident               | 22/02/2023                                                                                     |

|    |                                |            |
|----|--------------------------------|------------|
| 6. | Date of arrest                 | 23/02/2023 |
| 7. | Date of filing of Charge-sheet | 20/05/2023 |

3. As per the prosecution case, the deceased wanted to marry the sister of the Applicant i.e. Accused No.1 and therefore there was some dispute between the Accused No.1 and the deceased. The Accused No.3 is the brother-in-law of the Accused No.1. Accused No.2 is the maternal uncle of the Accused No.1. As per the prosecution case, the Accused No.1 assaulted the deceased with a knife and the role attributed to Accused Nos.2 and 3 is that they have assaulted the deceased with kicks and fist blows.

4. Mr. Pareek, learned Counsel for the Applicant submitted that the Applicant is incarcerated since 23<sup>rd</sup> February 2023. He submitted that other co-Accused i.e. Accused Nos.2 and 3 have been released on bail by this Court by Order dated 27<sup>th</sup> March 2024 and 11<sup>th</sup> June 2024 respectively. He submitted that till date there is no progress in the trial and the Charge is also not framed. He submitted that the trial will take substantial time to conclude as there are total 39 witnesses proposed to be examined by the prosecution.

5. On the other hand, Ms. Bhosale, learned APP for the Respondent-State submitted that the present Applicant has played major role in the incident in question. She submitted that the present Applicant has assaulted the deceased with a knife and that the role attributed to the other Accused i.e. Accused Nos. 2 and 3 is that they have assaulted the Accused with kicks and fist blows. She therefore submitted that the parity will not apply and the Bail Application be rejected.

6. Perusal of the record shows that in the present case, the incident in question occurred on 22<sup>nd</sup> February 2023, F.I.R. was lodged on 23<sup>rd</sup> February 2023, Applicant was arrested on 23<sup>rd</sup> February 2023 and, Charge-sheet was filed on 20<sup>th</sup> May 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 39 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.

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

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.

11. In view thereof, the following order:-

### **ORDER**

(a) The Applicant – Amol Vasant Salwe be released on bail in connection with C.R. No.75 of 2023 registered with the Adgaon Police Station, District - Nashik on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

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

- (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 Adgaon Police Station, District - Nashik once in a month i.e. on the first Sunday of every month 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.)