

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.4986 OF 2024

Shankar Ratan Walvi

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Om. N. Latpate a/w Mr. Samadhan H. Ghumare i/b Kuldeep U. Nikam, for the Applicant.

Ms. P. P. Bhosale, APP, for the Respondent-State.

Police Naik, V. N. Gite, Wadivarhe Police Station, District – Nashik, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 09 DECEMBER 2024

P.C.:

1. Heard Mr. Latpate, 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.	92 of 2023
2.	Date of Registration of F.I.R.	16/04/2023
3.	Name of Police Station	Wadivarhe, District-Nashik
4.	Section/s invoked in FIR	302, 201, 506 & 34 of the <i>I.P.C., 1860</i> .

5.	Sections Applied in Charge-sheet	120B, 143, 147, 149, 201, 302, 364, & 506 of the <i>I.P.C.</i> , 1860.
6.	Date of Incident	15/04/2023
7.	Date of Arrest	17/04/2023
8.	Date of filing Charge-sheet	15/07/2023

3. As per the prosecution case, all the Accused along with their family members were working as labourers at a brick-kiln near village Wangewadi, Ghoti, Taluka - Igatpuri, District - Nashik. The Applicant is Accused No.2. The deceased was in a relationship outside of marriage with the wife of the Applicant. They eloped and the accused persons searched for them and brought them back at the brick-kiln. Due to the said relationship of the deceased and the wife of Applicant - Accused No.2, all the Accused assaulted the deceased and the wife of the Applicant - Accused No.2 as a result of which the deceased succumbed to the injuries suffered in the said assault.

4. It is the submission of Ms. Bhosale, learned APP that there are two eye-witnesses to the incident in question, those statements are on Page Nos.137 and 141. She submitted that the deceased has been assaulted mercilessly and therefore the Bail Application be rejected.

5. Mr. Latpate, learned Counsel for the Applicant states that Accused No.2 and Accused No.3 have been released on bail by this Court and parity is applicable to the Applicant. He submits there are no antecedents against the Applicant.

6. Perusal of the record shows that the Applicant is incarcerated since 17th April 2023, the Charge-sheet has been filed on 15th July 2023. As per the Charge-sheet there are a total of 23 witnesses proposed to be examined by the prosecution. Till date, there is no progress in the trial and even the charge is also not framed.

7. The incident occurred as the deceased was having a relationship outside of marriage with the wife of the present Applicant and both of them had eloped.

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 Therefore, the Applicant is entitled for bail.

9. The Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be a flight risk.

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

12. In view thereof, the following order:-

ORDER

- (a) The Applicant - Shankar Ratan Walvi be released on bail in connection with C.R. No.92 of 2023 registered with the

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

Wadivarhe Police Station, District - Nashik on his furnishing PR. Bond of Rs.10,000/- with one or two 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 Wadivarhe Police Station, District – Nashik once every week i.e. on every Sunday 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.

13. The Bail Application is disposed of accordingly.

14. 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.)

Digitally
signed by
ARJUN
VITTHAL
KUDHEKAR
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