

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

BAIL APPLICATION NO.5117 OF 2024

Pravin Kaluram Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Sana Raees Khan a/w Juhi Kadu i/b SRK Legal, for the Applicant.

Mr. C. D. Mali, APP, for the Respondent – State.

Mr. Sagar S. Devkar, P.S.I., Chikhali Police Station, District – Pune, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: DECEMBER 14, 2024

P.C.:

1. Heard Ms. Khan, learned Counsel for the Applicant and Mr. Mali, learned APP for the Respondent – State.

2. This is the second Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C.R. No.	107 of 2023
2	Date of registration of F.I.R.	19/02/2023
3	Name of Police Station	Chikhali, District – Pune.
4	Section/s invoked	302, 201, 304B, 498A, 120B, 323, 504, 506 r/w 34 of the <i>I.P.C., 1860</i> ; 3 & 4 of the <i>Dowry Prohibition Act, 1961</i> .
5	Date of incident	18/02/2023
6	Date of arrest	19/02/2023

3. At the outset, it is required to be noted that the first Bail

Application being Bail Application No.599 of 2024 has been allowed to be withdrawn by this Court by Order dated 22nd February 2024 with liberty to file a fresh Bail Application after a period of 10 months, if there is no progress in the trial.

4. Ms. Khan, learned Counsel for the Applicant states that, till date there is no progress in the trial and even the charge is also not framed. She states that there are no other antecedents against the Applicant.

5. On the other hand, Mr. Mali, learned APP strongly opposed the Bail Application. He points out the recovery *Panchanama* (Page No.103), statements of witnesses – Amruta Devidas Durgude (Page No.185), Dr. Rajendra Tanaji Wanave (Page No.163) and the Post – Mortem Examination Report (Page Nos.72 – 78). He submits that death is due to strangulation. He submits that the Applicant was involved in relationship outside of marriage and therefore he had strangled the deceased i.e. wife of the present Applicant. He submitted that on merits no case is made out for granting bail and therefore the Bail Application be rejected.

6. It is required to be noted that the first Bail Application has been allowed to be withdrawn by Order dated 22nd February 2024 as this Court expressed disinclination to grant bail on merits. The perusal of the record shows that no case is made out for granting bail on merits.

7. Perusal of the record shows that the incident in question took

place on 18th February 2023, F.I.R. was lodged on 19th February 2023 and the Applicant was arrested on 19th February 2023. Till date, there is no progress in the trial even after incarceration of the Applicant for a period of 1 year and 10 months.

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

9. However, Mr. Mali, learned APP states that if the Applicant is released on bail, there is likelihood that the Applicant may try to influence the witnesses.

10. As most of the witnesses are from District – Pune, Ms. Khan, learned Counsel for the Applicant, on instructions, states that the Applicant will therefore not reside within District – Pune and that the Applicant will reside at Shanichowk, Near Tahsil Office, Taluka – Shridonda, District – Ahilyanagar (Ahmednagar).

11. The Applicant does not have any criminal antecedents.

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

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

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

conditions.

14. In view thereof, the following order:-

ORDER

- (a) The Applicant - Pravin Kaluram Jadhav be released on bail in connection with C.R. No.107 of 2023 registered with the Chikhali Police Station, District – Pune on his furnishing PR. Bond of Rs.1,00,000/- with one or two local solvent sureties in the like amount.
- (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.
- (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 Shrigonda Police Station, District – Ahilyanagar (Ahmednagar) once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Shrigonda Police Station, District - Ahilyanagar (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.

15. The Bail Application is disposed of accordingly.

16. 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.]