



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 822 OF 2024

Dikshit s/o Haridas Patil (In Jail) Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.S. Dhenge, counsel for applicant.

Mr. K.R. Lule, APP for non-applicant/State..

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/12/2024.

1. The applicant came to be arrested on 30/06/2021 in connection with Crime No. 304/2021 registered non-applicant/police station for the offence punishable under Sections 302, 324 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by Priya Parmeshwar Patil alleging that on 29/5/2021, at about 7 p.m, when the informant was standing in front of her house, she saw the applicant quarreling with his wife, Vishakha. At that time, his mother Janabai ran away from the alleged spot. Thereafter, the informant also found that the deceased came outside the house, and the applicant also came outside the house. It is further alleged that the applicant ran over the deceased with two wooden sticks in both hands and beat her in front of the informant; thereafter, the applicant pushed the deceased and took her inside the house. Thereafter, she

was found dead in the house. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that since the date of arrest, the applicant is behind bars. There is no progress in the trial. The applicant cannot be kept behind bars for an indefinite period. Till today, only charges are framed, and not a single witness is examined. Muddemal is yet to be received therefore, there is no definite period in which the trial can be disposed of.

4. In support of his submission, he placed reliance on the decision of the Hon'ble Apex Court in the Case of *Javed Gulam Nabi Shaikh Vs State of Maharashtra and another [(2024) 9 SCC 813]* and *Manish Sisodia Vs Directorate of Enforcement [2024 SCC Online SC 1920]*. Learned counsel for the applicant further submitted that the Hon'ble Apex Court has considered the right of the accused as to the speedy trial, in view of Article 21 of the Constitution, and submitted that right of the present applicant is affected and therefore, he be released on bail.

5. Learned APP strongly opposed the said application and submitted that the nature of the offence is a grievous one. The trial could not proceed as Muddemal is not received, which was forwarded to the Chemical Analysis. Now, the charges are already framed, and merely because there is a long period of incarceration is not sufficient to release the applicant on bail.

6. After hearing both sides and on perusal of the investigation papers, it reveals that the involvement of the present applicant is revealed, as far as the elimination of his wife is concerned. It further reveals that the applicant has brutally assaulted his wife and caused her death. Thus, the involvement of the present applicant in the above-mentioned crime is revealed from the investigation papers. At the same time, it is admitted position that the applicant is arrested on 30/06/2022 and since then he is behind bars. Only charges are framed, and there is no progress in the trial.

7. Moreover, it is observed by the Hon'ble Apex Court in the case of **Javed Gulam Nabi Sheikh** (supra) and **Manish Sisodia** (supra), and in catena of decisions by referring the earlier judgments that if the State or any prosecuting agency, including the court concerned, has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime. Thus, in view of the observation of the Hon'ble Apex Court, admittedly, the nature of the offence is serious, but there is long incarceration to the applicant, and his right of speedy trial enshrined under Article 21 is affected. In view of that, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order.

- a] The application is allowed.
- b] The applicant – *Dikshit s/o Haridas Patil* shall be released on bail, in connection with Crime No. 304/2021 registered non-applicant/ police station for the offence punishable under Sections 302, 324 of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the vicinity of village Masal Tah. Chimur, District Chandrapur till culmination of trial.
- d] The applicant shall not induce, threat of promise any witnesses who are acquainted with the facts of the present case either physically or the electronic media.
- e] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

The application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]