

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1388 OF 2025

Vijay Suresh Jadhav	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Meghdeep Milind Oak, for the Applicant.
Mr. B. B. Kulkarni, APP, for the Respondent No.1-State.
Ms. Babita P. Pandey a/w. Mr. Dinesh R. Sonawane, for the Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.
DATED : 8th JULY 2025

PC:-

1. Heard Mr. Oak, learned Counsel appearing for the Applicant, Mr. Kulkarni, learned APP for the Respondent No.1-State and Ms. Pandey, learned Counsel appearing for the Respondent No.2.

2. At the outset, it is required to be noted that this is a second Bail Application. The first Bail Application bearing Bail Application No.696 of 2024 was allowed to be withdrawn by order dated 18th March 2024. By the said order dated 18th March 2024, liberty has been granted to the Applicant to file a fresh Bail Application, if

there is no substantial progress in the trial. The relevant details are as follows:

1.	C. R. No.	88 of 2023
2.	Date of registration of F.I.R.	17/04/2023
3.	Name of Police Station	MIDC Police Station, Kupwad, Sangli
4.	Section/s invoked	302, 201 r/w. 34 of the Indian Penal Code, 1860 (“ IPC ”)
5.	Date of incident	17/04/2023
6.	Date of arrest	18/04/2023
7.	Date of filing of Charge-sheet	11/07/2023

3. Mr. Oak, learned Counsel states that although the charge has been framed on 10th April 2024, there is no further progress in the trial. He states that for last about 7 months, the matter is being adjourned for bringing *muddemal* to the Court. Learned Counsel submits that there are total 3 accused persons. The present Applicant is accused No.1. As far as accused Nos.2 and 3 are concerned, they have been released on bail. He submits that the Applicant and the deceased are cousins and due to some dispute concerning business the incident has taken place and it was not

premeditated. He therefore, states that the Applicant be released on bail.

4. On the other hand Mr. Kulkarni, learned APP appearing for the Respondent No.1-State strongly opposes the Bail Application by pointing out the contentions raised in the affidavit dated 26th June 2025 of Deepak Shivaji Bhandvalkar, Assistant Inspector of Police, MIDC Police Station, Kupwad, Dist. Sangli. Learned APP submits that the material on record shows that there are four eye-witnesses to the incident. The material on record further shows that the present Applicant has assaulted the deceased with a sickle and grave and serious offence has been registered against the Applicant under Sections 302 and 201 of the IPC. Learned APP further submits that there are four antecedents and therefore, the Bail Application be rejected.

5. Ms. Pandey, learned Counsel appearing for the Respondent No.2-Informant strongly opposes the Bail Application. However, alternatively she submits that, if bail is granted to the Applicant, then condition be imposed upon the Applicant. She further states

that the Informant is residing at Sangli therefore, the Applicant be directed not to enter District Sangli.

6. In paragraph No.4 of the affidavit dated 26th June 2025 of Deepak Shivaji Bhandvalkar, Assistant Inspector of Police, MIDC Police Station, Kupwad, Dist. Sangli. the prosecution case is set out. The same reads as under:

“4. The said crime has been committed on 16.04.2023 at 21.25 hours within the limits of MIDC Kupwad Police Station, in the open space between two godowns of Ashapura Trading Company and in front of the house of Naryan (Patil) on Kupwad to Kavalapur Road.

The deceased father of the complainant, Rajendra jadhav and accused No. 1 were engaged in the business of buying and selling plots. The father of the complainant used to give commission (money) to the accused No. 1 in said land transaction. After the father of the complainant died in the year 2021, the accused No. 1 used to ask for commission money from the deceased Amar Jadhav, which led to a dispute between them.

On the above date and time, accused No. 1 to 3 met and found the deceased in the open space of two godowns of Ashapuri Trading Company, Bamanoli. Accused No. 1 and 3 attacked the deceased and injured him with the weapon he had in his possession. While the deceased was running on the road leading to Kupwad in an injured stage, accused No. 1 and 3 chased the deceased with

weapon in their hands, knocked him to the ground, hit him on the head, face and other parts of his body, seriously injuring him and killing him. Also accused No. 1 and 3 threw the clothes used in the crime somewhere and destroyed the evidence. Therefore, 1. Vijay Suresh Jadhav, 2. Chetan alias Sagar Resident of Rajhaus Colony Kupwad. Mayur Mahadev Jadhav, Vishrambag Bamanoli, we are presenting a charge sheet against them under section 302, 201 r/w. 34 of the IPC and under section/ On the basis of the complaint lodged by the Orig. Compla of the Arms and investigation was commenced.”

7. Thus, it is clear that due to some dispute regarding business, the incident has taken place. The Applicant is incarcerated since 18th April 2023 and till date there is no progress in the trial, except framing of the charge on 10th April 2024. As per the chargesheet, there are 35 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.

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. Thus, if the Bail Application is rejected, fundamental right of speedy trial of the Applicant will be affected.

10. As far as the contention of learned APP that there are four antecedents, the details of the same are mentioned in paragraph No.7 of the said affidavit dated 26th June 2025 of Deepak Shivaji Bhandvalkar, Assistant Inspector of Police, MIDC Police Station, Kupwad, Dist. Sangli, which reads as under:

Sr. No.	CR No. & Police Stn.	U/secs.
1.	32/2013 M.I.D.C. Police Station	385, 420, 504 of IPC
2.	34/2013 M.I.D.C. Police Station	324, 347, 386, 406, 420 of IPC
3.	305/2021 M.I.D.C. Police Station	394, 323, 504, 34 of IPC
4.	153/2013 Vishrambag Police Station, Sangli	385, 420, 504 of IPC

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

11. Mr. Oak, learned Counsel states that as far as the offences mentioned at Serial Nos.1, 2 and 4 are concerned, the Applicant has been acquitted with respect to the said offences. He relied on the judgment of learned District Judge, Pune and the learned Additional Sessions Judge, Sangli dated 28th March 2023 passed in Sessions Case No. 151 of 2020, Judgment and Order dated 1st July 2019 passed by the learned J.M.F.C., Miraj, in Regular Criminal Case No.256 of 2013 and Judgment and Order dated 27th September 2018 passed by the learned J.M.F.C., Miraj in Regular Criminal Case No.236 of 2013. He submits that as far as C.R. No.305 of 2021 registered with the MIDC Police Station, the Applicant is not concerned with the said case and he has not been named as accused.

12. In any case, as the Applicant is incarcerated since 18th April 2023 and there is no possibility of conclusion of trial within short period. Therefore, the Applicant can be granted bail by imposing certain conditions.

13. In view of the apprehension expressed by Ms. Pandey, learned Counsel appearing for the Respondent No.2-Informant, Mr.

Oak, learned Counsel appearing for the Applicant states that the Applicant will not reside within District – Sangli and that the Applicant will reside at C/o. Prakash Ramchandra Korvi, Korvi Galli, Village- Sawarde, Tal. Hatkanangale, Dist. Kolhapur.

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

15. Accordingly, the Applicant can be enlarged on bail by certain conditions. In view thereof, the following order:

ORDER

- (a)** The Applicant – Vijay Suresh Jadhav be released on bail in connection with C.R. No.88 of 2023 registered with the MIDC Police Station, Kupwad, District - Sangli on his furnishing P.R. Bond of Rs.50,000/- with one or two solvent sureties in the like amount.
- (b)** The Applicant shall not enter the Sangli 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 Peth Vadgaon Police Station, Tal. Hatkanangale, District - Kolhapur 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 Peth Vadgaon Police Station, Tal. Hatkanangale, District - Kolhapur 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.

16. The Bail Application is disposed of accordingly.

17. It is clarified that the Trial Court shall decide the case on its merits and uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]

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