

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1901 OF 2025

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Kiran Laxman Madane

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi (through Video Conference) a/w. Ms. Reena Prajapati, for the Applicant.

Ms. R. S. Tendulkar, APP, for the Respondent-State.

Mr. U. R. Kale, PSI, Kadegaon Police Station, Sangli, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 5th MAY 2025

PC:-

1. Heard Mr. Satyavrat Joshi, learned Counsel appearing for the Applicant and Ms. Tendulkar, learned APP appearing for the Respondent-State.

2. This is a second Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973*. The first Bail Application bearing Bail Application No.506 of 2022 was allowed to be withdrawn by order dated 5th March 2024. However, liberty has been granted to file a fresh Bail Application after a period of 10 months, if there is no substantial progress in the trial. There are

total 7 accused, out of which, 4 accused have been released on bail and 1 is juvenile.

3. The relevant details are as follows:-

1.	C. R. No.	93 of 2023
2.	Date of registration of F.I.R.	04/06/2023
3.	Name of Police Station	Kadegaon, Dist. Sangli.
4.	Section/s invoked	302, 307, 324, 143, 146, 148, 149, 427 of the Indian Penal Code, 1860 (“IPC”); Sections 4 and 25 of the Arms Act, 1959.
5.	Date of incident	03/06/2023
6.	Date of arrest	04/06/2023
7.	Date of filing of Charge-sheet	31/08/2023

4. At the outset, Mr. Satyavrat Joshi, learned Counsel appearing for the Applicant states that the Applicant is not seeking bail on merits as earlier Bail Application was already been allowed to be withdrawn. However, he states that the Applicant is incarcerated since 4th June 2023 and till date there is no progress in the trial and even the charge is also not framed. He states that there are no antecedents against the present Applicant.

5. On the other hand, Ms. Tendulkar, learned APP appearing for the Respondent-State strongly opposed the Bail Application. She states that the accused No.1 is the father of the present Applicant i.e. accused No.2 and he is not remaining present for attending the trial. On the instructions, she states that there are no antecedents against the present Applicant.

6. Perusal of the record shows that in the present case, the incident in question occurred on 3rd June 2023, F.I.R. was lodged on 4th June 2023 the Applicant was arrested on 4th June 2023 and, Charge-sheet was filed on 31st August 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 32 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. There are no criminal antecedents against the present Applicant.

8. As far as the contentions raised by the learned APP that as the accused No.1 i.e. the father of the present Applicant (accused

No.2) is remaining absent, the trial could not proceed, there is no substance in the said contention. Perusal of the Roznama produced by the learned APP, it is seen that on many occasions as the accused were not brought to the Court, the Sessions Case was required to be adjourned. It is also required to be noted that only on five occasions, the accused No.1 was absent and on those dates, application for exemption was filed and exemption has been granted. Thus, there is no substance in the said contention.

9. 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. 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.

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

10. Mr. Satyavrat Joshi, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within District-Sangli and that the Applicant will reside at c/o. Amol Eknath Shirtole, village-Lalgun, Tal. Khatav, Dist. Satara.

11. The Applicant does not have any antecedents.

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

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

14. In view thereof, the following order:-

ORDER

(a) The Applicant – Kiran Laxman Madane be released on bail in connection with C.R. No.93 of 2023 registered with the Kadegaon Police Station, District – Sangli on his furnishing PR. Bond of Rs.1,00,000/- with one or two 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 Pusegaon Police Station, District - Satara 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 Pusegaon Police Station, District -Satara 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.]