

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4744 OF 2024**

Sahil Jayaji *alias* Dayanand Aavade ...Applicant
Versus
The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO.643 OF 2025
IN
BAIL APPLICATION NO.4744 OF 2024**

Sujata Sachin Ingale ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Ritesh Thobde a/w Ankita Pramod Rai & Changdev Shingade, for the Applicant.

Mr. S. S. Ghag, APP, for the Respondent-State.

Mr. Balwant Salunkhe i/b Hamid Mulla, for the Intervenor.

**CORAM: MADHAV J. JAMDAR, J.
DATED: MARCH 13, 2025**

P.C.:

1. Heard Mr. Thobde, learned Counsel for the Applicant, Mr. Ghag, learned APP for the Respondent - State and Mr. Salunkhe, learned Counsel for the Intervenor.
2. This is the second Bail Application. The first Bail Application has been allowed to be withdrawn by Order dated 30th January 2024 with liberty to file a fresh Bail Application after 10 months. Accordingly, pursuant to the said liberty the present Bail Application has been filed.
3. The relevant details are as under :-

1	C.R. No.	144 of 2023
2	Date of registration of F.I.R.	06/03/2023
3	Name of Police Station	Pandharpur City, District - Solapur
4	Section/s invoked	307, 504 & 506 r/w 34 of the <i>Indian Penal Code, 1860</i>
5	Date of incident	06/03/2023
6	Date of arrest	07/03/2023

4. Mr. Thobde, learned Counsel for the Applicant states that even after a period of 2 years of incarceration, there is no progress in the trial and even the charge is also not framed. He submits that apart from the Applicant 2 juveniles were involved in the offence in question and they have been released on bail. He submits that the Applicant was 20 years old at the time of the commission of crime.

5. On the other hand Mr. Ghag, learned APP and Mr. Salunkhe, learned Counsel for the Intervenor strongly oppose the Bail Application. Both of them submit that the Applicant has committed a serious offence. Both of them submit that apart from the injured, there are other eye-witnesses to the incident in question and there are 2 other injured persons. Both of them submit that there are antecedents against the Applicant and therefore the Bail Application be rejected.

6. As per the prosecution case, the Informant, her husband and brother-in-law were sitting on the steps of Emergency Ward in the Government Hospital, Pandharpur, District – Solapur and at that time

the Applicant and 2 juvenile came there and assaulted the Informant's husband with a sickle. Thereafter, one juvenile assaulted the Informant.

7. Perusal of the record shows that as per the prosecution case, there are about 26 witnesses proposed to be examined by the prosecution. Till date, there is no further progress in the trial and even the charge is also not framed. Accordingly, the trial will take a considerably long time to conclude.

8. The delay in trial affects the fundamental right of the speedy trial of the Applicant. 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. Although there are other antecedents, one antecedent is between the same parties which has taken place on the same date. As far as the other antecedent is concerned, the offence is of the year 2022 and the Applicant has been released on bail.

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

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

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

12. In view thereof, the following order:-

ORDER

- (a) The Applicant - Sahil Jayaji *alias* Dayanand Aavade be released on bail in connection with C.R. No.144 of 2023 registered with the Pandharpur City Police Station, District - Solapur on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent 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 Pandharpur City Police Station, District - Solapur 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. In view of disposal of the Bail Application, nothing survives in the Interim Application and the same is also disposed of.

15. 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.]