

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.5328 OF 2024

Bibek Narhari Shetti

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Hrishikesh Avhad a/w Mr. Shailesh Chavan a/w Mr. Tejas Modak,
for the Applicant.

Ms. Priya A. Patil, (Legal Aid Counsel), for the Respondent No.2.

Ms. Anuja Gotad, APP, for the Respondent - State.

Mr. Prakash Venkatrao Mane, Police Constable, Sahupuri Police Station,
District - Satara.

CORAM: MADHAV J. JAMDAR, J.
DATED: 10th MARCH 2025

P.C.:

1. Heard Mr. Avhad learned Counsel for the Applicant, Ms. Gotad, learned APP for the Respondent-State and Ms. Patil, learned Counsel appointed to represent the Respondent No.2.

2. This is the second Bail Application. The first Bail Application being Criminal Bail Application No.1669 of 2023 has been allowed to be withdrawn by Order dated 15th January 2024 with liberty to file a fresh Bail Application after a period of 9 months, in case there is no substantial progress in the trial.

3. The relevant details are as under:-

1	C. R. No.	I-377/2022
2	Date of registration of F.I.R.	26/11/2022

3	Name of Police Station	Shahupuri Police Station, District - Satara
4	Section/s invoked	Section 307, 309, 354 & 506 of the IPC, 1860; Section 12 of the POCSO Act, 2012.
5	Date of incident	23/11/2022
6	Date of arrest	26/11/2022
7	Date of filing Charge-sheet	23/09/2023

4. As per the prosecution case on 23rd November 2024 at 4:00 p.m. the victim went on the terrace of the building for study. The victim and the Applicant are staying in the same building. At about 5.30 p.m. the Applicant came on terrace and told her that he wants to marry the victim and as victim told him that unless she completes her education, she would not like to marry and at that time the Applicant assaulted the victim with a knife. The Shahupuri Police Station, District – Satara registered a FIR No.377 of 2022 dated 26th November 2022 filed under Sections 307, 309, 354 and 506 of the *Indian Penal Code, 1860* (“**IPC**”) and Section 12 of the *Protection of Children from Sexual Offences Act, 2012* (“**POCSO Act**”). Even as per the prosecution case as reflected in the F.I.R lodged by the victim, the Applicant had tried to commit suicide immediately after the said incident and he was required to be hospitalised.

5. It is the submission of Mr. Avhad, learned Counsel appearing for the Applicant that the Applicant is arrested on 26th November 2022 and

till date except recording of the evidence of PW-1 who is a panch witness on 13th December 2024, there is no further evidence recorded. He therefore states that by imposing conditions the Applicant be released on bail.

6. On the other hand, Ms. Gotad, learned APP for the Respondent – State and Ms. Patil, learned Counsel appointed to represent the interest of Respondent No.2 strongly oppose the Bail Application. Both of them submitted that the Applicant had assaulted the victim with knife and therefore the Bail Application be rejected. Ms. Patil, learned Counsel pointed out Page No.71 of the Bail Application and submitted that the victim suffered injuries as a result of the assault. Ms. Gotad, learned APP submitted that the Applicant is from Odisha and therefore, he will not be available to face the trial, if released on bail.

7. Mr. Avhad, learned Counsel appearing for the Applicant submits that the Applicant is a permanent resident of District - Satara and his family members are also staying at Satara and therefore the said apprehension is without any basis.

8. Perusal of the record shows that although the accused has assaulted the victim, the injuries are simple in nature as per the certificate issued by the District Hospital, Satara. It is also required to be noted that immediately after the incident in question the Applicant tried to commit suicide. The Applicant suffered one injury on the neck over

right side. The medical certificate shows that the injuries which the Applicant inflicted on himself while attempting suicide are with sharp and hard object, although the said injuries are also simple in nature. This is a case where although the victim has been physically assaulted, there is no sexual assault. Although the Applicant is incarcerated since 26th November 2022, there is no progress in the trial, except framing of the charge and recording evidence of PW-1 which has taken place on 13th December 2022. Thereafter, for period of about 3 months there is no further progress in the trial. Thus, there is violation of the Applicant's right of speedy trial.

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.

10. Mr. Avhad, learned Counsel for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will reside at R/o Pradeep Kumar Mohanty, Malhar Park, Shikrapur Highway, Flat No.3A, S. No.59/1, Taluka - Khed, District - Pune.

11. The Applicant does not have any criminal antecedents.

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

- 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 - Bibek Narhari Shetti be released on bail in connection with C.R. No.I-377 of 2022 registered with the Shahupuri Police Station, District - Satara on his furnishing PR. Bond of Rs.50,000/- with solvent sureties in the like amount.
- (b) The Applicant shall not enter the Satara 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 Chakan Police Station, District - Pune once a week i.e. on every Sunday between 11:00 a.m. and 2:00 p.m. till the conclusion of the trial. The Police Inspector of Chakan Police Station, District - Pune 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.]