

Tikam

Digitally signed
by VAISHALI
ANIL TIKAM
Date:
2025.01.10
18:57:45 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 5356 OF 2024

Arbaz Firoz Bepari

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Vinayak Patil a/w. Mr. Vishal Nevshe a/w Mr. Ranjit Ade, Advocates
for the Applicant.

Mr. Kiran Shinde, APP for the State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 10 JANUARY 2025

P.C.:

1. Heard Mr. Vinayak Patil, learned Counsel appearing for the Applicant and Mr. Shinde, learned A.P.P. for the Respondent-State.
2. At the outset, learned Counsel appearing for the Applicant states that the Applicant is not seeking bail on merits and the Applicant is seeking bail only on the ground of long incarceration.
3. Mr. Shinde, learned A.P.P. strongly opposes the bail Application. He submits that there are eye witnesses to the incident. Statements of witnesses recorded under Section 164 of the *Code of Criminal Procedure, 1973* clearly shows the involvement of the Applicant in the crime. There is one antecedent bearing C.R. No.618 of 2020 registered under Sections 324, 323, 504, 143, 147, 148 and 149 of the Indian

Penal Code. He therefore submits that the Bail Application may be rejected.

4. The relevant details are as follows:-

1	C. R. No.	688/2020
2	Date of registration of F.I.R.	16/12/2020
3	Name of Police Station	Karad City Police Station, Dist. Satara.
4	Section/s invoked	302, 120-B, 201 r/w Section 34 of the Indian Penal Code.
5	Date of incident	15/12/2020 at 10:15 p.m.
6	Date of arrest	18/12/2020
7	Date of filing Charge-sheet	15/03/2021

5. Perusal of record shows that the incident in question took place on 15.12.2020. The First Information Report is registered on 16.12.2020, the Applicant is arrested on 18.12.2020 and the Charge-sheet is filed on 15.03.2021. Till date, i.e. after a period of about 5 years and 1 month, there is no progress in the trial and even the charge is also not framed. There are about 42 witnesses proposed to be examined by the prosecution. Therefore, it is clear that the trial will take a considerably long time to conclude. The Applicant is incarcerated since 5 years and 1 month. There is no further progress in the trial.

6. 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.

7. The Applicant does not appear to be at risk of flight.
8. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order

ORDER

- (a) The Applicant-Arbaz Firoz Bepari be released on bail in connection with C.R. No.688 of 2020 registered with the Karad City Police Station, District-Satara on his furnishing PR. 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 Karad City Police Station, District Satara, once in 15 days i.e. on 1st and 3rd Sunday of every month between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial.
- (d) The Applicant shall not directly or indirectly make any

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

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.

9. The Bail Application is disposed of accordingly.

10. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merits and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]