

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1739 OF 2024

Manthan Sudhakar Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep Nikam a/w Advocate Nishi Singhvi a/w Advocate Mr. Rohit Karanjawane, for the Applicant.

Mr. A. S. Gawai, APP for the Respondent-State.

API, Anil Lohar, Pimpri Police Station, Pimpri Chinchwad.

CORAM: MADHAV J. JAMDAR, J.

DATED: 24 JANUARY 2025

P.C.:

1. Heard Mr. Kuldeep Nikam, learned Counsel appearing for the Applicant and Mr. Gawai, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	484 of 2021
2	Date of registration of F.I.R.	07/06/2001
3	Name of Police Station	Wakad Police Station, Pune
4	Section/s invoked	302, 506(2) r/w 34 of the I.P.C., 1860 and provisions of Arms Act, 1959 and the Maharashtra Police Act, 1951
5	Date of incident	06/06/2021
6	Date of arrest	07/06/2021
7	Date of filing Charge-sheet	23/09/2021

3. As per the prosecution case, there was a dispute going on between the Accused No.6, his associates i.e. other co-accused and the deceased for about six months. As a result of which the deceased was killed by the Applicant i.e. Accused No.1-Manthan Chavan, Accused No.3-Prathmesh Shinde and a child in conflict with law.

4. Mr. Kuldeep Nikam, learned Counsel appearing for the Applicant submits that the Applicant has been arrested on 7th June 2021 and till date there is no progress in the trial and even the charges are also not framed. He submits that except the Applicant, all the co-accused persons have been released on bail. He submits that the accused No.3-Prathmesh Shinde has been released on bail by this Court by Order dated 10th January 2023 passed by a learned Single Judge in Criminal Bail Application No.365 of 2022, Accused No.4-Nilesh Phadtare, has been granted Bail by a learned Single Judge by Order dated 19th October 2022 passed in Criminal Bail Application No.208 of 2022, the accused No.5-Sumit Harale has been released on bail by the learned Sessions Court by Order dated 1st July 2023 and accused No.6-Chetan Vitkar has been released on bail by this Court by Order dated 28th February 2024 passed in Bail Application No.2224 of 2023. He submits that the role which has been assigned to accused No.3-Prathmesh Shinde is similar to that of the present Applicant. He therefore, submits

that the parity is applicable. He submits that although there are four eye-witnesses, in the statements of two eye-witnesses namely Mr. Rahul Ramesh Rathod (Page No. 143) and Mr. Malaram Shankarram Lal (Page No. 144), name of the Applicant is not mentioned. He states that the Test Identification Parade is not conducted. As far as the eye-witnesses in whose statements the Applicant's name is reflected i.e. Ms. Nandini Shyam Jain (Page No. 138) and Mr. Shrikant Rajendra Swami (Page No.139), the said statements were recorded after about 6 to 7 days after the registration of the crime. He submits that in any case, there is long incarceration and no possibility of completion of trial within a reasonable time. He submits that there are no other antecedents against the Applicant and therefore the Applicant be released on Bail.

5. On the other hand Mr. Gawai, learned APP strongly opposed the Bail Application. He submits that there are eye-witnesses to the incident who have assigned specific role to the Applicant. There is evidence in the form of CCTV footage. He submits that eye-witnesses Ms. Nandini Shyam Jain (Page No.138) and Mr. Shrikant Rajendra Swami (Page-139) have specifically assigned the role to the present Applicant. He states that the Applicant has used a sickle and he has assaulted on the vital parts including head of the deceased. He therefore submits that the Bail Application be rejected. He further submits that the Trial Court be directed to complete the trial in time bound manner. After taking

instructions, he states that the Applicant has no antecedents.

6. The material on record shows that the Applicant is involved in a very serious crime and therefore Applicant is not entitled to be released on bail on merits.

7. A perusal of the record shows that the date of the incident is 06.06.2021. F.I.R. has been lodged on 07.06.2021 and the Applicant was apprehended on 07.06.2021. Till date, there is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, the prosecution has proposed to examine 36 witnesses. Therefore, the trial 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 to be released on bail as there is no likelihood of the conclusion of the trial within reasonable period.

9. Although Mr. Gawai, learned APP submits that the learned Trial Court be directed to complete the trial within time bound manner, the Supreme Court in the case of **High Court Bar Association, Allahabad vs.**

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

State of U.P.² has held that in the ordinary course, the Constitutional Courts should not exercise the power to direct the disposal of a case before any District and Trial Court within a time span. Thus, no such direction can be issued.

10. Although the Applicant is entitled to be released on bail as there is no possibility of the conclusion of the trial within time limit in the facts and circumstances of this case, stringent conditions are required to be imposed.

11. Mr. Nikam, learned Counsel for the Applicant states that as several witnesses are from District – Pune, the Applicant will therefore not reside within District – Pune and the Applicant will stay at his uncle's house at C/o. Vishnu Apparao Rathod, R/o. Yekambi, Laman Tanda, Latur-413 520 and the Applicant will report to the Bhada Police Station, Latur.

12. Thus, although the Applicant is not entitled to be released on bail on merits, however, as there is no possibility of completion of trial in reasonable time and the Applicant is incarcerated since 07.06.2021, the Applicant is entitled to be released on Bail.

13. The Applicant does not have any criminal antecedents.

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

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

2 (2024) 6 SCC 267

conditions.

16. In view thereof, the following order:-

ORDER

- (a) The Applicant- Manthan Sudhakar Chavan be released on bail in connection with C.R. No.484 of 2021 registered with the Wakad Police Station, Taluka-Pimpri Chindwad, District-Pune, on his furnishing P.R. Bond of Rs.1,00,000 /- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Pune 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 Bhada Police Station, District – Lature 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 Bhada Police Station, District – Latur 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.

17. The Bail Application is disposed of accordingly.

18. 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.]