

VRJ

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

BAIL APPLICATION NO.2079 OF 2024

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Anil Manbodh Jaiswal Alias Ashok ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Vaibhav R. Gaikwad with Yash Naik and Atharva R. B. for the applicant.

Ms. Shilpa G. Talhar, APP for the State-respondent.

Mr. Dipak Gaikwad, PSI, Dadar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 17, 2025

P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, by the applicant seeking regular bail in connection with Crime No.154 of 2023 registered at Dadar Police Station for the offences punishable under Sections 307 and 326 of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the incident occurred on 2nd April 2023 at around 11:00 p.m. It is alleged that the applicant was abusing a woman in a public place. At that time, the complainant tried to intervene and stop the applicant from misbehaving. Enraged by this, the applicant is alleged to have

picked up a beer bottle from the spot and hit the complainant on his head and chest. As a result, the complainant sustained serious injuries and had to be admitted to the hospital. Initially, an FIR was registered for the offence under Section 326 of the IPC. However, after perusal of the medical records and considering the nature and gravity of the injuries, Section 307 of IPC was added subsequently. The applicant was arrested on 3rd April 2023 and the Sessions Court rejected his bail application. Hence, the present application is filed.

3. The learned Advocate appearing on behalf of the applicant submitted that the applicant is in custody since 3rd April 2023 and has completed more than 2 years and 2 months of incarceration as an undertrial. It is further submitted that the charges have been framed in August 2024 and the matter is now awaiting the Forensic Science Laboratory (FSL) report. The charge sheet mentions 16 prosecution witnesses. Looking at the number of witnesses and pendency of the FSL report, it is unlikely that the trial will conclude in the near future. The learned Advocate submitted that prolonged pre-trial detention amounts to hardship and violates the right to speedy trial under Article 21 of the Constitution of India. Therefore, the applicant may be enlarged on bail with appropriate conditions.

4. On the other hand, the learned Additional Public Prosecutor strongly opposed the bail application. It is submitted that the applicant is involved in a serious offence. The material on record, including the medical papers and statements of witnesses, prima facie disclose that the ingredients of Section 307 of the IPC are

attracted. It is further pointed out that the applicant is a habitual offender and has 11 criminal antecedents registered against him. Considering the nature of the offence and criminal antecedents, the learned APP prayed that the application may be rejected.

5. Having heard the submissions of both sides and having gone through the material placed on record, it is clear that the applicant is alleged to have assaulted the complainant with a beer bottle, causing injuries on vital parts like the head and chest. The nature of the assault and the site of the injury, as per the case diary and medical record, are sufficient at this stage to justify invocation of Section 307 of IPC. The intention to cause death or knowledge that the act was likely to cause death would have to be examined in the course of trial.

6. However, it is a matter of record that the applicant is in custody since 3rd April 2023. More than 2 years and 2 months have passed. The charges are already framed and the trial is now pending for the FSL report. There are 16 witnesses listed by the prosecution. There is no indication from the prosecution side as to when the FSL report will be received or when the trial is likely to commence in full swing.

7. The right to speedy trial is a constitutional guarantee under Article 21 of the Constitution. In the absence of any specific material to show that the applicant is likely to tamper with the prosecution evidence or threaten witnesses, continued incarceration, especially when the trial has not commenced and no specific date is given for its commencement, would operate harshly

upon the applicant.

8. As regards the submission made by the learned APP that the applicant has 11 prior criminal cases registered against him, it is to be noted that the nature and outcome of such antecedents have not been placed before this Court. Mere pendency of past cases cannot be a sole ground to deny bail, unless a pattern of repeated involvement in similar serious offences is shown, and likelihood of the applicant continuing in such activity is demonstrated.

9. In view of the above, and considering the settled principle that bail is the rule and jail is the exception, this Court is of the opinion that the applicant deserves to be released on bail, subject to stringent conditions to ensure that the applicant does not misuse the liberty or delay the trial proceedings.

10. Hence, the following order is passed:

(i) The Bail Application is allowed.

(ii) The applicant – Anil Manbodh Jaiswal Alias Ashok – be released on regular bail connection with Crime No.154 of 2023 registered with Dadar Police Station for offences punishable under Sections 307 and 326 of the Indian Penal Code, 1860, on furnishing PR. bond of ₹25,000/- (Rupees Twenty-Five Thousand only) with one or more solvent sureties in the like amount.

(iii) The applicant shall attend each and every date of the trial and shall not seek unnecessary adjournments.

(iv) The applicant shall not directly or indirectly threaten,

influence, or contact the complainant or any of the prosecution witnesses.

(v) The applicant shall not enter the jurisdictional area of Dadar Police Station except for attending court proceedings, and shall report to the concerned police station on first Monday of every month between 10:00 a.m. to 12:00 noon until further orders.

(vi) In case the applicant is found involved in any other offence during the pendency of the trial, the prosecution shall be at liberty to move for cancellation of bail.

(vii) The applicant shall report to the Dadar Police Station on the 1st and 15th day of every month between 10:00 a.m. and 12:00 noon, until further orders.

(AMIT BORKAR, J.)