

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2990 OF 2024**

Suraj Sunil Falke

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi a/w Ms. Reena Prajapati h/f Ashish Kacholp, for the Applicant.

Ms. R.S.Tendulkar, APP, for the Respondent-State.

P.S.I. Snehal Jadhav, Kondhwa Police Station, District – Pune, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 05 FEBRUARY 2025

P.C.:

- 1.** Heard Mr. Joshi, learned Counsel for the Applicant and Ms. Tendulkar, learned APP for the Respondent-State.
- 2.** This is the second Bail Application preferred under Section 439 of the *Code of Criminal Procedure, 1973*. This Court by Order dated 19th January 2024 allowed the withdrawal of the earlier Bail Application No.2083 of 2023 and granted liberty to the Applicant to file a fresh Bail Application after a period of 10 months. The present Bail Application is preferred pursuant to the liberty granted by this Court.
- 3.** The relevant details are as follows :-

1	C. R. No.	936/2021
2	Date of registration of F.I.R.	26/10/2021
3	Name of Police Station	Kondhwa Police Station, District - Pune
4	Section/s invoked	302 of the Indian Penal Code, 1860.

5	Date of incident	26/10/2021
6	Date of arrest	26/10/2021
7	Date of filing Charge-sheet	21/01/2022

4. The learned Additional Sessions Judge, Pune by Order dated 25th February 2022 passed below Exhibit -1 in Criminal bail Application No.917 of 2022 rejected the Bail Application. The prosecution case is set out in Paragraph Nos.3 and 4 of the said Order, which reads as under :-

[3] **Prosecution case in short is as under:**

One Rohini Ankush Khadke has filed complaint alleging therein that, she is residing at Kondhwa Budruk along with his sons Amol and Sandip since last 16 years. Informant's son namely Amol is working as Machine Technician in Infolex Laminates Pvt. Ltd., since last 3 years. One Suraj Sunil Falke (applicant) is also working in the said company as a helper. Amol threatened the Suraj from removing the service as he was always absent from his duty. Therefore, Suraj was terminated from the service for few period. On that count, altercation of words took place in between applicant and Amol. Applicant also threatened the Amol. Said fact is also informed to the informant by Amol That time, informant persuaded to both of them. Thereafter, also Suraj remained absent from his duty, therefore, Amol threatened Sural that he will inform this fact to the owner and will remove from the service.

[4] *It is further alleged that, on 25/10/2021 Amol went for work at about 700 pm. as well as Suraj On 26/10/2021 at about 730 am one*

Dinesh Tiwari informed informant that, while Amol was slept in the company, at about 5.30 am. applicant gave repeated a blow of iron rod part on the head of Amol. Due to that, Amol sustained grievous injuries. He was shifted to Sassoon hospital but doctor declared him as dead. On these allegations, the accused/applicant came to be prosecuted.

5. It is the submission of Mr. Joshi, learned Counsel appearing for the Applicant that the incident in question has taken place on the spur of the moment. He submitted in any case the Applicant is incarcerated since 26th October 2021 and till date the trial has not yet completed. He submits that since 3rd December 2024 the said Sessions Case is being adjourned for examination of the investigating officer. He submits that although the matter is adjourned atleast on three occasions, the investigating officer is not examined. He submits that accordingly the Applicant's right to speedy trial is violated and therefore the Applicant is entitled to be released on bail. He submits that there are no other antecedents against the present Applicant.

6. On the other hand Ms. Tendulkar, learned APP strongly opposed the Bail Application. She submits that there is an eye-witness to the incident in question and therefore the Applicant be not released on bail. She further submits that the trial will be completed very soon. However, on instructions she submits that the Applicant has no other antecedents.

7. *Prima facie*, there is substance in the contnetion of Mr. Joshi,

learned Counsel that the incident in question took place on the spur of the moment. The Applicant is a young man, aged 23 years. The Applicant is incarcerated since 26th October 2022. Although the Applicant is behind bar for three years and three months, trial is not yet completed.

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 for bail.

9. The Applicant has no other antecedents.

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

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

12. In view thereof, the following order:-

ORDER

(a) The Applicant- Suraj Sunil Falke be released on bail in connection with C.R. No.936 of 2021 registered with the Kondhwa Police Station, District - Pune 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

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

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 Kondhwa Police Station, District – Pune once in a 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. 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.]