

VRJ

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

BAIL APPLICATION NO.3077 OF 2024

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Ashok Vishnu Pandav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Anuj Gaikar with Vaibhav P. Rajam and Mr. Ravindra Kaware for the applicant.

Ms. Megha S. Bajoria, APP for the State.

Ms. Sayali Shinde, PSI, Narpoli Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 13, 2025

P.C.:

1. This is an application preferred under Section 439 of the Code of Criminal Procedure, 1973. The applicant is seeking his release on bail in connection with Crime No. 484 of 2020, registered at Narpoli Police Station, Bhiwandi, District Thane, for the offence punishable under Section 302 of the Indian Penal Code, 1860, i.e., for the offence of murder.

2. The case of the prosecution, as gathered from the First Information Report and the investigation papers, is as follows: It is alleged that on 24th September 2020, at around 7:00 a.m., the informant, who is a relative of the deceased, received information

regarding a quarrel that had taken place between the deceased (wife) and her husband (the present applicant). Upon reaching the house, the informant saw that the deceased was lying on the floor, covered with a bedsheet. Upon removing the bedsheet, the informant noticed visible injuries on the face, eyes, and hands of the deceased. On making inquiry, it was informed to the complainant that the applicant had, in a fit of anger, assaulted his wife (the deceased) with an iron pipe, resulting in her death.

3. It is further the case of the prosecution that the applicant was arrested on 25th September 2020, and since then, he is in judicial custody. After completion of investigation, charge sheet came to be filed on 30th October 2020. Thus, the applicant is in jail for more than *four years* and eight months as of now, and the trial has not yet concluded.

4. It is brought to the notice of this Court that the charges in the present case came to be framed on 1st April 2025, and the list of prosecution witnesses includes 26 individuals. It is also not disputed that the applicant does not have any past criminal antecedents to his discredit. On going through the material available in the charge sheet, including the statement of the child witnesses, it prima facie appears that although the applicant is alleged to have assaulted the deceased, immediately thereafter the deceased is stated to have consumed water and gone to sleep. The statement further indicates that the children of the couple also went to sleep thereafter in the same house. This sequence of events, as recorded in the statement, may have a bearing on the issue of intention and causation, which are matters to be tested at

the stage of trial. At this stage, however, it cannot be conclusively said that the assault was with the intention to cause death.

5. Considering the overall facts and circumstances of the case, this Court is of the opinion that continued detention of the applicant is not warranted. The applicant is in custody since 25th September 2020, which is a period of over 4 years and 8 months. The prosecution has cited 26 witnesses, and there is no indication that the trial is likely to conclude in the near future. The applicant has no criminal antecedents, and the charge sheet has already been filed. Therefore, in light of the mandate of Article 21 of the Constitution of India, which guarantees the fundamental right to life and personal liberty, and following the principles laid down by the Hon'ble Supreme Court in *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51, and *Union of India v. K.A. Najeeb*, AIR 2021 SC 712, prolonged incarceration without progress in trial, especially in the absence of any likelihood of tampering with evidence or influencing witnesses, would amount to violation of the applicant's right to speedy trial.

6. In view of the above discussion, the following order is passed:

(a) The Bail Application is allowed.

(b) The applicant shall be released on bail in connection with C.R. No. 484 of 2020 registered with Narpoli Police Station, Bhiwandi, District Thane, upon furnishing a personal bond of ₹25,000/- (Rupees Twenty-Five Thousand Only), with one or more solvent sureties in the like amount,

to the satisfaction of the learned Trial Court.

(c) The applicant shall not tamper with the evidence or attempt to influence any prosecution witness in any manner.

(d) The applicant shall attend the Trial Court on all dates of hearing, unless prevented by sufficient and genuine cause, and shall cooperate with the expeditious conduct of the trial.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without obtaining prior written permission.

(f) The applicant shall not indulge in any criminal activity during the pendency of the trial.

7. Accordingly, the bail application stands disposed of in the aforesaid terms.

(AMIT BORKAR, J.)

Note:- This order is modified as per order dated 16 June 2025. The corrections are shown in italicize.