

*Shabnoor*

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

**BAIL APPLICATION NO. 3403 OF 2024**

|                            |                |
|----------------------------|----------------|
| Shivaji Keshavraaj Bhujang | ... Applicant  |
| <b>V/s.</b>                |                |
| State of Maharashtra       | ... Respondent |

Mr. Rahul Thakur a/w Ms. Nikita Patil & Ms. Pravin Pujari for the applicant.

Mrs. Shilpa G. Talhar, APP for the State – respondent.

Mr. Kothmire, PI Dongari Police Station.

**CORAM : AMIT BORKAR, J.**

**DATED : JUNE 17, 2025**

**P.C.:**

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, praying for his release on regular bail in connection with Crime Register No. I-49 of 2022 registered at Vishnu Nagar Police Station, for the offence punishable under Section 307 of the Indian Penal Code, 1860, which pertains to attempt to commit murder.

2. The case of the prosecution, in brief, is that on 7th February 2022, sometime between 1:30 p.m. to 2:00 p.m., the applicant, who is the husband of the victim, allegedly assaulted his wife with a knife, inflicting injuries on her stomach and back, allegedly with the intent to cause her death. The alleged assault is stated to have

taken place due to the fact that the victim was not residing with the applicant. The First Information Report came to be lodged by their son. Based on the said report, the above-referred crime was registered, and the applicant came to be arrested on the same day, i.e., 7th February 2022. Thereafter, the applicant moved an application for bail before the learned Sessions Court, which was rejected. Hence, the applicant has approached this Court seeking regular bail.

3. Learned counsel appearing on behalf of the applicant submitted that the applicant is in custody since the date of his arrest, and thus, has undergone incarceration of more than two and a half years. It is submitted that there has been no substantial progress in the trial and even the charges have not yet been framed. It is further submitted that the offence is of the year 2022, and as of today, there is no indication of the trial commencing in the near future. It is pointed out that the applicant has no prior criminal antecedents and that he is ready to abide by any conditions imposed by this Court. On these grounds, it is submitted that the applicant be enlarged on bail, particularly in view of the delay in trial, which, as per the settled law, entitles an undertrial to be considered for bail.

4. On the other hand, learned Additional Public Prosecutor has opposed the application. It is contended that the allegations are grave in nature, involving an act of domestic violence with an intent to kill, that too upon the applicant's own wife. It is further submitted that the medical report indicates four injuries having been inflicted upon the victim. The prosecution has expressed

apprehension that in the event the applicant is released on bail, there is a possibility of the applicant influencing or tampering with the evidence, particularly considering the fact that the informant and victim are family members.

5. I have carefully considered the submissions made by the learned counsel for the applicant as well as the learned Additional Public Prosecutor. I have also perused the papers of investigation and the material forming part of the charge sheet.

6. The applicant is in custody since 7th February 2022, i.e., for more than 2 years and 4 months. As on date, it is not in dispute that charges have not been framed, and there is no substantial progress in the trial. It appears that the matter has not even reached the stage of recording evidence. In such circumstances, the Court cannot be oblivious to the right of the accused under Article 21 of the Constitution of India, which guarantees the right to life and personal liberty, including the right to a speedy trial.

7. The Supreme Court in the case of *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 81, and consistently thereafter in various decisions, has held that “speedy trial is an essential and integral part of the fundamental right to life and liberty under Article 21”. Further, in *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51, the Supreme Court has categorically laid down that prolonged incarceration of an undertrial without commencement of trial amounts to violation of fundamental rights, and in such situations, Courts ought to consider granting bail, especially when the accused has no prior

criminal record and is not a flight risk.

8. In the present case, although the allegation against the applicant is undoubtedly serious in nature, the injuries are not shown to be fatal, and the prosecution has not disputed the fact that the victim survived. The FIR indicates that the incident arose out of a domestic dispute. The applicant is stated to have no criminal antecedents. There is no material placed on record to show that the applicant has previously attempted to influence any witness or tamper with the evidence during the course of investigation or thereafter.

9. In such circumstances, considering the long period of incarceration, the delay in commencement of trial, and in view of the law laid down by the Supreme Court in the above cases, I am of the considered opinion that this is a fit case for grant of regular bail to the applicant, subject to certain conditions to ensure his availability during trial and to safeguard the interests of justice.

10. Hence, the following order is passed:

(i) The application is allowed.

(ii) The applicant – Shivaji Keshavraaj Bhujang, be released on bail in connection with Crime Register No. I-49 of 2022 registered at Vishnu Nagar Police Station, for the offence punishable under Section 307 of the Indian Penal Code, 1860, on his furnishing P.R. bond of ₹25,000/- (Rupees Twenty-Five Thousand Only) with one or more sureties of like amount, to the satisfaction of the Trial Court.

(iii) The applicant shall not, directly or indirectly, make any attempt to contact or influence the complainant, victim, or any prosecution witnesses.

(iv) The applicant shall reside at his given address and shall report to the concerned police station on every first Monday of the month between 10:00 a.m. and 12:00 noon till framing of charges.

(v) The applicant shall cooperate with the trial and shall not seek unnecessary adjournments.

(vi) In the event of breach of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail.

**11.** It is clarified that the observations made herein are only for the purpose of deciding the present bail application and the Trial Court shall proceed independently, uninfluenced by any such observations.

**(AMIT BORKAR, J.)**