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

VAIBHAV
RAMESH
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BAIL APPLICATION NO.4262 OF 2024

Krushna Eknath Waghe	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Archana Shelar i/by Avinash Fatangare for the applicant.

Ms. Mahalaxmi Ganapathy, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : JULY 4, 2025

P.C.:

1. This is an application preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Crime No.I-168 of 2016, registered with Bazarpeth Police Station. The applicant has been booked for serious offences punishable under Sections 302 (murder), 307 (attempt to murder), and 120B (criminal conspiracy) of the Indian Penal Code, 1860; Sections 4 and 5 of the Indian Arms Act; and under Section 37(1) read with Section 135 of the Mumbai Police Act.

2. The prosecution case, in brief, is that the informant lodged a report alleging that on 12th September 2016 at around 3:15 a.m., at Jayabai Beturkar Chawl near Triveni Residency, her father-in-

law, Lahu Narayan Beturkar (aged 65 years), and mother-in-law, Jayabai Beturkar (aged 58 years), were sleeping in a tin shed outside the house. At that time, some unknown assailants arrived at the spot and, without any provocation, brutally attacked her father-in-law with a scythe, inflicting multiple injuries on his head, neck, and back, resulting in his death. The mother-in-law was also attacked with the same weapon on her neck, mouth, and ear with the intention to kill her. Based on this report, the present offence came to be registered.

3. It appears from the record that the applicant was arrested on 14th September 2016. The charge-sheet has been filed, and charges have already been framed by the Trial Court. The prosecution has cited as many as 66 witnesses, which clearly indicates that the trial is likely to be prolonged and may not conclude in the near future. The applicant has been in judicial custody for more than eight and a half years. Such an extended period of incarceration, without final adjudication of guilt, results in prolonged pre-trial detention.

4. In view of the above facts and circumstances, it becomes necessary to consider the applicant's right to life and personal liberty guaranteed under Article 21 of the Constitution of India. It is now a well-settled principle of criminal jurisprudence that undertrial prisoners cannot be kept behind bars indefinitely, especially when the trial is moving at a slow pace and there is no likelihood of its early conclusion. Merely because the offence is of serious nature cannot be a sole ground to deny bail when the applicant has already undergone a substantial period of

incarceration, and the prosecution has not been able to secure conclusion of the trial despite the passage of considerable time.

5. It is also not brought on record that the applicant has misused the liberty during the course of investigation or trial or that he has criminal antecedents. No cogent material is placed before this Court to indicate that if released on bail, the applicant would either abscond or tamper with the evidence or pressurise the witnesses.

6. Taking an overall view of the matter and balancing the seriousness of the allegations with the length of custody already undergone, this Court is of the opinion that continued detention of the applicant is not justified at this stage. Accordingly, the applicant deserves to be released on bail with appropriate conditions to ensure his presence during the trial.

7. The applicant – *Krushna Eknath Waghe* – is directed to be released on bail in connection with Crime No.I-168 of 2016 registered with Bazarpeth Police Station for offences punishable under Sections 302, 307 and 120B of the Indian Penal Code, 1860; Sections 4 and 5 of the Indian Arms Act; and Sections 37(1) read with 135 of the Mumbai Police Act, upon his 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 Trial Court.

a) The applicant shall not tamper with the evidence or attempt to influence any witness.

b) The applicant shall appear before the Trial Court on

every date of hearing unless prevented by sufficient cause.

c) The applicant shall report to the Bazarpeth Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.

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

8. The bail application stands disposed of in the aforesaid terms.

(AMIT BORKAR, J.)