

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.5040 OF 2024

Raju @ Tatoba Mutyappa Khandekar

...Applicant

*Versus*

The State of Maharashtra

...Respondent

WITH

INTERIM APPLICATION NO.274 OF 2025

IN

CRIMINAL BAIL APPLICATION NO.5040 OF 2024

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Mr. Ramanik Pawar i/b Samiksha Pawar, Ms. Arti Bajpai, Ms. Trupti Jambulkar, Ms. Shubhangi Kadam, Mr. Samadhan Mahamulkar, Ms. Dhanashree Jagdale, Mr. Raju Patil, for the Applicant.

Mr. Jaydeep Mane (Through V.C.) a/w Mr. Yash G. Fadtare, for the Intervenor.

Ms. S. G. Talhar, APP for the Respondent-State.

Head Constable, S. B. Bhanvase, Sangola Solapur Gramin Police Station, Solapur, present.

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CORAM: MADHAV J. JAMDAR, J.

DATED: 24<sup>th</sup> APRIL 2025

**P.C.:**

**1.** Heard Mr. Pawar, learned Counsel appearing for the Applicant, Mr. Mane, learned Counsel appearing for the Intervenor and Ms. Talhar, learned APP for the Respondent – State.

**2.** This is a second Bail Application preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The first Criminal Bail Application bearing Bail Application No.2370 of 2023 was allowed to be withdrawn by Order dated 5<sup>th</sup> February 2024 as the Court was not inclined to grant bail on merits. However, by said Order dated 5<sup>th</sup>

February 2024 the Applicant has been granted liberty to file fresh Bail Application after a period of 9 months, if there is no substantial progress in the Trial. This Bail Application is filed pursuant to the said liberty. The relevant details are as under:-

|   |                                |                                                                                                             |
|---|--------------------------------|-------------------------------------------------------------------------------------------------------------|
| 1 | C. R. No.                      | 1184/2022                                                                                                   |
| 2 | Date of registration of F.I.R. | 16/10/2022                                                                                                  |
| 3 | Name of Police Station         | Sangola Solapur Gramin Police Station, Solapur                                                              |
| 4 | Section/s invoked              | U/Sections 302, 307, 341, 324, 143, 147, 148, 149, 504 of the I.P.C., 1860 and U/Section 4 of the Arms Act. |
| 5 | Date of incident               | 15/10/2022                                                                                                  |
| 6 | Date of arrest                 | 17/10/2022                                                                                                  |
| 7 | Date of filing Charge-sheet    | 09/01/2023                                                                                                  |

**3.** At the outset, Mr. Pawar, learned Counsel appearing for the Applicant states that Applicant is not seeking bail on the merits, as the first Bail Application has been allowed to be withdrawn by this Court. He states that however, the Applicant is incarcerated since 17<sup>th</sup> October 2022 and till date there is no progress in the trial. He therefore states that the Applicant's fundamental right of speedy trial is violated.

**4.** On the other hand Mr. Mane, learned counsel appearing for the Intervenor and Ms. Talhar, learned APP submits that the offence is very serious. The Applicant has taken major part in the incident in question. The Post Mortem report shows that there are about 10 injuries on the

vital part of the body and therefore the Bail Application be rejected.

**5.** Perusal of the record shows that the incident in question took place on 15<sup>th</sup> October 2022, the FIR was lodged on 16<sup>th</sup> October 2022 and the Applicant has been arrested on 17<sup>th</sup> October 2022. As per the charge-sheet there are about 43 witnesses proposed to be examined by the prosecution. Accordingly, the trial will take considerable time to take conclude.

**6.** 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 device such a procedure as would ensure speedy trial to the Accused.<sup>1</sup> Therefore, the Applicant is entitled for bail.

**7.** As far as the antecedents are concerned there is one antecedent against the Applicant which took place in the year 2012 under Section 323 of *Indian Penal Code, 1860* (“**IPC**”). As far as the complainant is concerned there are 3 antecedents under Section 307 of IPC including of the year 2021 where the Accused No.1 has been assaulted.

**8.** It is made very clear that the Applicant is not entitled for grant of bail on merits. However, as there is violation of fundamental right of Applicant of speedy trial, the Applicant is entitled to be released on bail on that ground.

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

- 9.** There is only one antecedent against the Applicant which is of the year 2012.
- 10.** Mr. Pawar, learned Counsel for the Applicant after taking instructions states that as several witnesses are from Taluka-Sangola, District-Solapur the Applicant will therefore not enter Taluka-Sangola, District-Solapur and that the Applicant will reside at the place of Wife's brother - Mr. Birappa Malhari Lawte, At Lonar, Post-Hunnur, Taluka-Mangalvedha, District- Solapur.
- 11.** The Applicant does not appear to be at risk of flight.
- 12.** Accordingly, the Applicant can be enlarged on bail by imposing conditions.
- 13.** In view thereof, the following order:-

**ORDER**

- (a) The Applicant- Raju @ Tatoba Mutyappa Khandekar be released on bail in connection with C.R. No.1184 of 2022 registered with the Sangola Solapur Gramin Police Station, District – Solapur on his furnishing PR. Bond of Rs.1,00,000/- with one or two solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell 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 not enter the Taluka-Sangola, District-Solapur after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.

- (d) The Applicant shall report to the Mangalvedha Police Station, District – Solapur once a week on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Mangalvedha Police Station, District–Solapur to communicate details thereof to the Investigating Officer.
- (e) 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.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

**14.** The Bail Application is disposed of accordingly.

**15.** 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.]**