

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

**CRIMINAL BAIL APPLICATION NO.5416 OF 2024**

Yogesh Sambhaji Kurhade

...Applicant

*Versus*

The State of Maharashtra

...Respondent

Mr. Sumit V. Khaire, for the Applicant.

Mr. S. S. Ghag, APP for the Respondent – State.

**CORAM: MADHAV J. JAMDAR, J.**

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

**P.C.:**

**1.** Heard Mr. Khaire, learned Counsel appearing for the Applicant and Mr. Ghag, 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 The first Bail Application has been allowed to be withdrawn by order dated 18<sup>th</sup> January 2024. However, by said order liberty has been granted to the Applicant to file fresh Bail Application after a period of 10 months. The relevant details are as follows:-

|   |                                |                         |
|---|--------------------------------|-------------------------|
| 1 | C. R. No.                      | 563/2022                |
| 2 | Date of registration of F.I.R. | 15/08/2022              |
| 3 | Name of Police Station         | Shirur Police Station   |
| 4 | Section/s invoked              | 302 of the I.P.C., 1860 |
| 5 | Date of incident               | 06/08/2022              |
| 6 | Date of arrest                 | 17/08/2022              |
| 7 | Date of filing Charge-sheet    | 11/11/2022              |

**3.** Mr. Khaire, learned Counsel appearing for the Applicant at the outset states that the Applicant is not seeking bail on merits. However, he submits that the Applicant is incarcerated since 17<sup>th</sup> August 2022 and therefore, the Applicant is seeking bail on the ground of violation of the fundamental right of the Applicant of speedy trial.

**4.** Mr. Ghag, learned APP strongly opposes the Bail Application. He states that there is incriminating material against the Applicant and therefore, the Bail Application be rejected.

**5.** In this case the Applicant is arrested on 17<sup>th</sup> August 2022. Even after passing of 2 years and 8 months there is no progress in the trial and even the charge is also not framed.

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

**7.** The Applicant does not have any criminal antecedent.

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

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

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

**10.** In view thereof, the following order:-

**ORDER**

- (a) The Applicant- Yogesh Sambhaji Kurhade be released on bail in connection with C.R. No.563 of 2022 registered with the Shirur Police Station, District – Pune on his furnishing P.R. 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 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 Shirur Police Station, District – Pune once a month between 11.00 a.m. and 1.00 p.m. on 1<sup>st</sup> Sunday of each month 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.

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

**12.** 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.]