

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1422 OF 2025

Rahul @ Kandi Suresh Valmiki ... Applicant
V/s.
The State of Maharashtra ... Respondent

ATUL
GANESH
KULKARNI
Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.07.14
10:26:27 +0530

Mr. Umar Nizamk i/by Mr. Mohammed Umar Kazi for
the applicant.

Mrs. Megha S. Bajoria, APP for the respondent-State.

Mr. R.V. Sawant, ASI, Vitthalwadi Police Station, is
present.

CORAM : AMIT BORKAR, J.

DATED : JULY 11, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant is seeking his release on regular bail in connection with Crime Register No. I-191/2020, registered with Vitthalwadi Police Station, for offences punishable under Sections 302, 307, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860, and Sections 37(1) and 135 of the Maharashtra Police Act.

2. The case arises out of the alleged murder of one Wilson @ Rajesh Lajras Jadhav. The offence was registered on the basis of a complaint lodged by one Somnath Vasant Wagh, aged 22 years, resident of Ulhasnagar-4. As per the prosecution, on the date of

incident, the informant was sitting and chit-chatting with his friends. At that time, the accused – Rahul and Sachin – allegedly came to the spot armed with sharp weapons. On seeing them, the informant tried to flee in order to save himself. However, both accused persons are said to have chased and accosted him. It is alleged that accused Sachin assaulted the informant on his left arm, causing him to fall down, and thereafter accused Rahul stabbed him in the stomach with the same knife. When the informant's friends attempted to intervene, accused Rahul is said to have also stabbed his friend Avinash in the stomach. Similarly, Wilson and Murgan, who were part of the group, were also allegedly assaulted. Thereafter, due to gathering of crowd, the accused persons are said to have fled the scene. The injured were taken to the hospital. On the basis of the informant's statement, the present offence was registered on 3rd July 2020. Unfortunately, during the course of treatment, Wilson, who had sustained a stab injury to his stomach, succumbed to his injuries, leading to addition of Section 302 IPC.

3. Learned Advocate appearing on behalf of the applicant submitted that the applicant has been in custody since 3rd July 2020, i.e., for a substantial period of more than four years. It is pointed out that charge is yet to be framed and the prosecution has proposed to examine as many as 36 witnesses. Therefore, it is urged that in the given circumstances, it is unlikely that the trial will conclude within a reasonable time. On these grounds, prayer is made for release of the applicant on bail, by imposing appropriate conditions.

4. On the other hand, the learned APP has strongly opposed the grant of bail. It is submitted that the material collected during investigation clearly shows the active role of the present applicant in the commission of the offence. It is further submitted that there are eyewitnesses to the incident, who have specifically attributed overt acts to the applicant. Hence, it is submitted that the learned Sessions Court has rightly rejected the application for bail, and no case for interference is made out at this stage.

5. I have carefully considered the rival submissions and perused the material placed on record. It is not in dispute that the applicant has been in custody since 3rd July 2020, and has undergone incarceration for more than four years. It is further evident from the record that charge is yet to be framed, and the prosecution has cited as many as 36 witnesses. Looking to the number of witnesses and the usual pace of trial, it does not appear that the trial will conclude in the near future.

6. The law is well settled that prolonged pre-trial detention of an undertrial, particularly when there is no likelihood of early conclusion of trial, amounts to violation of his right to life and personal liberty under Article 21 of the Constitution of India. The Hon'ble Supreme Court in several judgments, including *Supreme Court Legal Aid Committee v. Union of India* [(1994) 6 SCC 731], and more recently in *Hussain v. Union of India* [(2017) 5 SCC 702], has emphasized that right to speedy trial is a fundamental right and cannot be denied by keeping an accused indefinitely in custody.

7. Though the allegations are undoubtedly serious, and the incident has led to the death of one of the victims, the question of the applicant's guilt is yet to be adjudicated upon by the trial Court. At this stage, the Court is not expected to go into the merits of the evidence in detail. However, the fact remains that the applicant has undergone a significant period of custody without commencement of trial, and there is no material to indicate that he has misused the liberty while in custody or is likely to abscond or tamper with the prosecution evidence if released on bail.

8. Having regard to the totality of the circumstances, including the length of detention, stage of trial, and the fact that the applicant is a local resident and can be subjected to conditions to ensure his presence at trial, I am of the considered view that the applicant has made out a fit case for grant of bail.

9. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.I-191/2020 registered with Vitthalwadi Police Station for offences punishable under Sections 302, 307, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860 and Sections 37(1) and 135 of the Maharashtra Police Act, upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall report the Vitthalwadi Police

Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.

b) The applicant shall not tamper with evidence, and directly or indirectly contract, influence, threaten, or intimidate any witness, particularly family members of the deceased.

c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.

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.

f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

10. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)