

Shabnoor

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

BAIL APPLICATION NO.1445 OF 2025

Bhimrao Amar Bhide

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Hitesh Phulwani a/w Mr. Amit Singh, for the applicant.

Mrs. Mahalakshmi Ganapathy, APP for the State – respondent.

Mr. Shahu Kaldate, PSI, Ambernath Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 13, 2025

P.C.:

1. The present bail application has been filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release in connection with Crime Register No. 617 of 2019 registered with Ambernath Police Station. The applicant is facing prosecution for offences punishable under Sections 307, 326-A, and 504 of the Indian Penal Code, 1860.

2. As per the prosecution's case, the informant and the accused had known each other for nearly six years prior to the incident and were in a romantic relationship. The accused would often visit the informant's residence. About 15 days before the incident, a quarrel

took place between them, during which the accused allegedly abused the informant in filthy language. Following this quarrel, the informant told the accused not to visit her house again. However, the accused continued to come to her home. In the two to three days preceding the incident, he allegedly visited and insulted her by calling her a prostitute and making allegations of prostitution.

3. On 23 October 2019, at about 2:00 a.m., the accused came to the informant's house. The informant tried to prevent him from entering, but he went inside regardless. That night, the informant and her two daughters were sleeping in the inner room, while the accused stayed in the outer room. While the informant was asleep, the accused allegedly poured a hot oily substance on her face and body, causing serious burn injuries. She was taken to the hospital, where her statement was recorded, forming the basis for registration of the present FIR.

4. Learned Advocate for the applicant has submitted that the applicant was arrested on 23 October 2019 and that the charges were framed only in the year 2023. Despite the passage of considerable time, the trial has not progressed. It is submitted that the prosecution has cited a total of 14 witnesses, but the proceedings have been delayed, resulting in the applicant's prolonged incarceration. It is argued that this delay amounts to a violation of the applicant's fundamental right to a speedy trial under Article 21 of the Constitution of India. On these grounds, it is prayed that the applicant be released on bail.

5. On the other hand, the learned Assistant Public Prosecutor has opposed the application, contending that the nature and manner of the assault are grave and serious. It is pointed out that the informant suffered 20% burn injuries, which highlight the severity of the offence. It is further submitted that the Chemical Analysis Report corroborates the prosecution's case, as traces of oily substance were detected on the clothes of the accused. According to the prosecution, this scientific evidence directly links the accused to the commission of the offence. The learned APP, therefore, prayed that the application be rejected.

6. I have considered the rival submissions and perused the material on record. The allegations against the applicant are undoubtedly of a serious nature, involving an attack which allegedly caused 20% burn injuries to the informant. The prosecution has also relied on the Chemical Analysis Report showing traces of oily substance on the clothes of the accused. However, at the stage of considering a bail application, the Court is not required to go into the merits of the prosecution case in detail, but to assess whether continued incarceration of the applicant is justified, keeping in mind the stage of the trial, the possibility of tampering with evidence, and the right to a speedy trial.

7. The record shows that the applicant was arrested on 23 October 2019 and has been in custody for almost six years. The charges were framed only in 2023, and despite such a long lapse of time, the trial has not progressed. Out of the 14 witnesses cited by the prosecution, not a single material witness has been examined so far. This delay in commencement of trial cannot be

attributed entirely to the conduct of the applicant. Prolonged pre-trial detention, without substantial progress in the trial, offends the constitutional guarantee of a speedy trial under Article 21 of the Constitution of India.

8. The Supreme Court in *Hussainara Khatoon v. State of Bihar* [(1980) 1 SCC 81] and in *Union of India v. K.A. Najeed* [(2021) 3 SCC 713] has held that where undertrial detention becomes prolonged and the trial is not likely to conclude in a reasonable time, bail should be granted, even in cases involving serious offences, unless there are compelling circumstances to the contrary. In the present case, there is no material placed before the Court to show that the applicant has attempted to threaten witnesses or tamper with evidence during the long period of his custody.

9. The apprehension of the prosecution that the applicant may influence witnesses can be taken care of by imposing strict conditions. Furthermore, given that the incident occurred in October 2019 and the parties were previously acquainted, the possibility of the applicant absconding appears minimal, particularly if he is required to furnish adequate sureties and report periodically to the police station.

10. Considering the totality of the circumstances, namely, the prolonged incarceration of the applicant, the slow pace of trial, absence of evidence of misuse of liberty during custody, and the constitutional mandate of expeditious trial, I am of the view that further detention of the applicant would not serve the ends of

justice. The applicant is, therefore, entitled to be released on bail with stringent conditions to ensure his availability during the trial and to safeguard the prosecution's case.

11. Hence, the following order :

- (i) The Bail Application is allowed.
- (ii) The applicant shall be released on bail in connection with Crime Register No. 617 of 2019 registered with Ambernath Police Station for offences punishable under Sections 307, 326 – A, 504 of IPC, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:
 - (a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.
 - (b) The applicant shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.
 - (c) The applicant shall report to the Ambernath 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 State of Maharashtra without prior written permission of Trial Court.

(e) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(f) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

12. The Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)