

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.1825 OF 2025

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date: 2025.11.13
16:44:01 +0530

Dinesh Santosh Sahu

...Applicant

V/s.

State of Maharashtra

...Respondents

Mr.Prasad Avhad i/b Kuldeep U. Nikam for the Applicant.

Ms.Gauri S. Rao, APP for the Respondent. State.

Mr.Rajesh Masal, Sub-Inspector, Chikhali Police Station, Pimpri
Chinchwad present in Court.

CORAM : SANDESH D. PATIL, J.
DATE : 11TH NOVEMBER, 2025.

P.C. :-

1. The Applicant is seeking bail in connection with C.R.
No.476 of 2021 registered with Chikhali Police Station, Pune for
offence punishable under Sections 302, 392, 449, 34 of Indian
Penal Code, 1860 (hereinafter referred to as "IPC").

2. The Applicant was arrested on 10th July, 2019. FIR is

lodged by the wife of the deceased viz. Smt.Savitri Virendra Umarji. She stated that her matrimonial relation with her husband were strained. Her husband was living in a separate flat. Her husband informed her that there is work of painting is going on in the flat and requested the first informant to visit the flat to inspect the work. The first informant wife did not go. She further states that on 21st September, 2021, since her husband was not reachable on cell, she requested her relative to go to the flat. When they visited the flat, they found the deceased lying on the floor with blanket wrapped around him. They informed the police. The Police broke open the door and found that the husband of the first informant had died.

3. Learned counsel for the Applicant states that there is no direct evidence in this case and that there is nothing to show that the Applicant had assaulted the deceased. Mr.Avhad, learned counsel appearing for the Applicant further states that there are no blood stains found on his body and that the injury certificate annexed to the chargesheet shows the probable cause as “Cut

throat injury”. Learned counsel appearing for the Applicant states that there is nothing on record to connect the Applicant with the crime. He states that this is a case of circumstantial evidence and that the entire chain of circumstantial evidence should be complete and needs to be proved at the time of trial.

4. Ms.Rao, learned APP appearing for the State states that the statements of the Security Guards viz. Mr.Suresh Baburao Chavan and Mr.Babulal Chindhya Bacchav indicates that the Applicant was last seen with the co-accused – Mr.Kalesh Varma. She states that there is recovery at the instance of the Applicant under the provisions of Section 27 of the Indian Evidence Act.

5. Mr.Avhad, learned counsel appearing for the Applicant states that the Applicant was arrested on 25th September, 2021 and that he is behind bar since four years and three months. There are about 40 witnesses to be examined. He states that although the charges were framed on 18th September, 2025, the examination of witness has not commenced in as much as not

even a single witness is examined. He states that going by the number of witnesses (40 witnesses) which the Prosecution intends to examine, it is most unlikely that the trial would be over in near proximity. He therefore, prays Bail on the ground that his right to expeditious trial under Article 21 is violated.

6. I have perused the entire documents with the assistance of the learned counsel appearing for the parties. Admittedly, this is not a case of direct evidence. The case is that of circumstantial evidence. In my respectful submission, although the Applicant is charged with Section 302 of IPC, the liberty guaranteed by Chapter III of the Constitution of India would not be lost only because the Applicant is charged with Section 302 of IPC. The right of the expeditious trial is of paramount importance. Although the Applicant was arrested on 25th September, 2021, even a single witness is not examined in this matter. It is most likely that it would take long time to conclude the trial. The Applicant cannot be indefinitely incarcerated. The Hon'ble Apex Court has taken view in the matter of Union of India vs. K.A.

Najeeb (2021) 3 SCC 713 and *Javed Gulam Nabi Shaikh vs. State of Maharashtra & Anr. (2024) 9 SCC 813*, that a right to speedy trial is of paramount importance.

7. Ms.Rao, learned APP has taken instructions from the Officer, who is present in Court that there are no antecedents known to the Investigating Officer regarding the Applicant. She however states that the Applicant does not have a permanent place of residence in Maharashtra and that the Applicant is a residents of Chhattisgarh.

8. Taking into consideration the over all aspects of the matter in my humble opinion the accused deserves to be released on bail. Hence the Bail Application is allowed on the following conditions :-

- (i) The Applicant Dinesh Santosh Sahu be released on bail, in connection with CR No. No.476 of 2021 registered with Chikhali Police Station, Pune for offence punishable under Sections 302, 392, 449, 34 of Indian Penal Code, 1860 on executing a PR Bond of Rs.50,000/- with one or more local sureties in the like amount to the satisfaction of the concerned Court.

- (ii) The Applicant shall give his detail address, cell number to the I.O.
- (iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- (iv) The Applicant shall attend Chikhali Police Station, Pune on Monday once in every 15 days from 10:00 a.m. to 2:00 p.m. till the conclusion of the trial.

9. The application stands disposed of accordingly.

10. All the parties to act on an authenticated copy of this order.

(SANDESH D. PATIL, J.)