

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1862 OF 2025

Akash @ Chelya Namdev Pawar	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Naagesh S. Khedkar a/w. Mr. Sagar Shinde for the Applicant.
Mr. S. S. Ghag, APP, for the Respondent-State.
Mr. A. J. Dudhvane, PSI, Hinjewadi Police Station, Pune present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 25th APRIL 2025

PC:-

1. Heard Mr. Khedkar, learned Counsel appearing for the Applicant and Mr. Ghag, learned APP appearing for the Respondent-State.

2. This is a second Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973*.

3. By order dated 3rd April 2024, the first Bail Application bearing Bail Application No.2462 of 2023 has been allowed to be withdrawn after the learned Counsel argued the matter extensively, as this Court was not inclined to grant bail on merits.

However, by the said order dated 3rd April 2024, liberty has been granted to the Applicant to file a fresh Bail Application after a period of one year, if there is no substantial progress in the trial. Pursuant to the said liberty, the present Bail Application is filed.

4. The relevant details are as follows:

1.	C. R. No.	596 of 2022
2.	Date of registration of F.I.R.	27/06/2022
3.	Name of Police Station	Hinjewadi, Pune.
4.	Section/s invoked	302, 506, 143, 147, 148, 149 of the Indian Penal Code, 1860 (“ IPC ”); 4 and 25 of the Arms Act, 1959.
5.	Date of incident	26/06/2022
6.	Date of arrest	14/09/2022

5. At the outset, Mr. Khedkar, learned Counsel appearing for the Applicant submits that the Applicant is not seeking bail on merits and he is only seeking bail on the ground of violation of the Applicant’s right of speedy trial. He states that till date except framing of charge, there is no further progress in the trial. He

states that there are no criminal antecedents against the Applicant. Therefore, he prays that the Bail Application be allowed.

6. On the other hand, Mr. Ghag, learned APP strongly opposes the Bail Application. He submits that there are eye-witnesses to the incident and as the Applicant is involved in serious crime, *inter alia* under Section 302 of the IPC, the Bail Application be rejected.

7. At the outset, it is clarified that the earlier Bail Application bearing Bail Application No.2462 of 2023 has been allowed to be withdrawn, as this Court was not inclined to grant bail. Thus, on merits the Applicant is not entitled to be released on bail. Even Mr. Khedkar, learned Counsel at the outset, submitted that the Applicant is not seeking bail on merits.

8. Perusal of the record shows that in the present case, the incident in question occurred on 26th June 2022, F.I.R. was lodged on 27th June 2022, the Applicant was arrested on 14th September 2022. Although the Applicant is incarcerated since 2 years and 7 months, there is no progress in the trial, except framing of the charge on 16th November 2024 and till date not a single witness

has been examined. As per the Charge-sheet, there are 13 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

9. 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.¹ Therefore, the Applicant is entitled for bail.

10. Accordingly, the Applicant is entitled to be released on bail on the ground of breach of the fundamental right of the Applicant of speedy trial.

11. Mr. Khedkar, learned Counsel states that there are no criminal antecedents against the Applicant.

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

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

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

14. In view thereof, the following order:

ORDER

- (a) The Applicant – Akash @ Chelya Namdev Pawar be released on bail in connection with C.R. No.596 of 2022 registered with the Hinjewadi Police Station, District - Pune on his furnishing PR. Bond of Rs.25,000/- with one or two 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 Hinjewadi Police Station, District – Pune once in a two months on first Sunday between 11:00 a.m. and 1:00 p.m. till 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.

15. The Bail Application is disposed of accordingly.

16. 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.]