

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

CRIMINAL BAIL APPLICATION NO. 2061 OF 2025

Samadhan Prabhakar Tongare

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Chetan H. Deshmukh a/w Mr. Kunal Pednekar, Advocate, for the Applicant.

Mr. Balraj B. Kulkarni, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 31st July 2025

P. C.

1. Heard Mr. Deshmukh, learned Counsel for the Applicant and Mr. Kulkarni, learned APP for the Respondent-State.
2. This is the second Bail Application. The first Bail Application has been allowed to be withdrawn by this Court by Order dated 21st November 2024 in Bail Application No.3980 of 2024 with liberty to file fresh Bail Application after a period of six months, if there is no substantial progress in the trial. The relevant details are as follows:-

1.	C. R. No.	399 of 2023
2.	Date of registration of F.I.R.	9 th August 2023
3.	Name of Police Station	Dindori, District-Nashik
4.	Section/s invoked	302, 120-B, 504, 34 of <i>I.P.C.</i> , 1860
5.	Date of incident	9 th August 2023
6.	Date of arrest	10 th August 2023

7.	Date of filing of Charge-sheet	7 th November 2023
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3. The prosecution case is set out in paragraphs 2 and 3 of the Order dated 28th November 2023 passed by the learned Additional Sessions Judge, Nashik in Criminal Bail Application No.2303 of 2023.

The said paragraphs 2 and 3 read as under:

“2. Prosecution allegations reveals that in the incident of January 2020, deceased Sagar and his family members were arrested on the charge of murder of one Shivaji Pardhi. Said incident was occurred in village Kochargaon. Deceased Sagar and his family members were released on bail on different dates on or till June 2023. The informant and her family members took harbor in nearby village Pokalwade to save from retaliation. Accused being relative of the deceased Shivaji were waiting for moment to ambush the assailants of Shivaji.

3. It so happened that on 09.08.2023 at around 4.30 p.m. to 5.00 p.m., Informant and her husband were returning to their house, at that time, the applicant and co-accused chased them. It is alleged that applicant Daggu @ Nivrutti was riding motorcycle, whereas applicant Samadhan was pillion rider. Applicant Samadhan hacked sickle on the head of Sagar, whereas applicant Daggu was holding iron rod and was instigating the mob. Sagar after sustaining the head injury started running towards the paddy field. Applicants chased the injured Sagar and inflicted deadly blow on his head. The informant raised alarm and crowd was gathered. The accused flee away from the spot on their motorcycle. Thus, the accused in prosecution of their common object, have conspired to do away the Sagar in retaliation of the earlier incident and executed their plot by annihilation of Sagar.”

Thus as per the prosecution case, deceased had killed friend of the Applicant and to take revenge, the Applicant had killed the deceased.

4. It is the submission of Mr. Deshmukh that the Applicant is not involved in the crime and in any case, he states that due to long

incarceration, and as the trial is not yet commenced, the Applicant be released on bail.

5. On the other hand, Mr. Kulkarni, learned APP submitted that the trial could not proceed as muddemal was not received. He states that now steps will be taken, so that the trial will be concluded within short time. He further submitted that the material on record clearly shows the involvement of the Applicant in the crime.

6. Perusal of record shows that earlier F.I.R. was filed against 21 accused. During investigation, it was found that only involvement of four accused was found. The other 3 accused have already been released on bail.

7. As far as the Applicant is concerned, *prima facie*, the material on record shows that the Applicant is involved in the crime. Therefore, the Applicant is not entitled for bail on merits. However, it is required to be noted that the Applicant is incarcerated since 10th August 2023. Till date, there is no progress in the trial and Charge is also not framed. As per the prosecution case, there are about 53 witnesses. Thus, the trial will take considerable time to conclude.

8. 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

9. Thus, if the incarceration of the Applicant continues, it will amount to violation of fundamental right of the Applicant of speedy trial. However, it is clarified that the Applicant is not entitled to be released on bail on merits and he is required to be released on bail only in view of long incarceration.

10. However, as there are eye witnesses and other witnesses who are staying at the same place as that of the Applicant, stringent conditions are required to be imposed while granting bail to the Applicant. As many witnesses are staying at the same place as that of the Applicant, Mr. Deshmukh, learned Counsel for the Applicant, on instructions of the Applicant, states that till completion of trial, the Applicant will not reside within Dindori Taluka, District - Nashik and that the Applicant will reside at C/o Mr. Sandip Tukaram Gavare, At Post Kaluste, Taluka Igatpuri, District-Nashik.

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

12. The Applicant does not have any criminal antecedents.

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

14. In view thereof, the following order:

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

ORDER

(a) The Applicant - Samadhan Prabhakar Tongare be released on bail in connection with C.R. No.399 of 2023 registered with the Dindori Police Station, District - Nashik on his furnishing P.R. Bond of Rs.50,000/- with one or two local solvent sureties in the like amount.

(b) The Applicant shall not enter the Dindori Taluka, Nashik district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.

(c) 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.

(d) The Applicant shall report to the Ghoti Police Station, Taluka-Igatpuri, District - Nashik once a week, on every Sunday between 11.00 a.m. and 1.00 p.m. for a period of six months after release on bail and thereafter once in 15 days, i.e. on first and third Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Ghoti Police Station, District - Nashik to communicate details

thereof to the Investigating Officer.

(e) 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.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witnesses in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) 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.]

BHALCHANDRA
GOPAL DUSANE

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