

Shabnoor

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

BAIL APPLICATION NO.3119 OF 2025

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Sunil Harishchandra Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Sudeep Pasbola, Sr. Advocate i/b Mr. Virendra S. Khot a/w Ms. Sharvi Khot & Mr. Ayush Pasbola for the applicant.

Mr. Sagar R. Agarkar, APP for the State – respondent.

Mr. Subhash Khandu Kadam, PSI, Vanrai Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 4, 2025

P.C.:

1. By the present bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.” for the sake of brevity), the applicant seeks his release on regular bail in connection with Crime Register No. 80 of 2018 registered at Vanrai Police Station. The offences alleged against him are punishable under Section 302 of the Indian Penal Code, which relates to the charge of committing murder.

2. The brief facts of the prosecution case, as can be gathered from the First Information Report and the material on record, are that the complainant, one Swapnil Gavaskar, received a telephone call from his cousin sister, Neha, informing him that his elder

brother, Nilesh, had been admitted in HDL Lifecare Multi Specialist Hospital. Upon reaching the hospital, the complainant learnt that Nilesh had succumbed to the injuries sustained by him. The complainant's uncle narrated that prior to the incident there was an altercation between two persons, namely, Rakesh and Jignesh. At that juncture, the applicant Sunil arrived at the spot and allegedly gave a slap to Jignesh below his ear. Jignesh, feeling humiliated, called Nilesh to the place of incident. Upon arrival, Nilesh also slapped the applicant. At this, the applicant, in a sudden fit of anger, is alleged to have taken out a sharp-edged object and stabbed Nilesh. The injured was rushed to the hospital, where despite treatment, he succumbed.

3. It is also the case of the prosecution that the deceased Nilesh was engaged in the business of decoration work, and there existed a dispute between him and the present applicant regarding decoration contracts of the Ganpati Mandal. The applicant is stated to have carried a grudge against the deceased on account of this dispute, which ultimately culminated in the alleged act of stabbing. On the basis of these allegations, the present offence has been registered against the applicant.

4. The learned Senior Advocate appearing for the applicant has urged that the applicant was taken into custody on 3rd March 2018 and since then, he continues to remain incarcerated. The prosecution has cited as many as 30 witnesses in the charge-sheet, but till date only 3 witnesses have been examined in the course of trial. Thus, the progress of trial has been excruciatingly slow, and looking at the pace at which evidence is being recorded, there

appears no likelihood of the trial being completed in the near future. It is submitted that the applicant has a fundamental right to a speedy trial under Article 21 of the Constitution of India, and continued incarceration for such prolonged period, without conclusion of trial, amounts to a violation of that right. On these grounds, it is contended that the applicant deserves to be released on bail.

5. Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for bail. It is urged that the accusation against the applicant is of a grave nature, involving the offence of murder punishable under Section 302 of IPC. The role attributed to the applicant is not peripheral but central, inasmuch as it was the applicant who inflicted the fatal stab wound on the deceased. In such circumstances, merely on the ground that the trial is proceeding slowly, the applicant cannot claim an absolute right to be released on bail.

6. I have carefully considered the rival submissions advanced by the learned counsel for the applicant and the learned Additional Public Prosecutor, and I have also perused the material available on record.

7. There can be no dispute that the offence alleged against the applicant is grave and serious in nature. Section 302 of the Indian Penal Code provides for punishment of murder, and in such cases the Court is required to be circumspect while considering bail. Ordinarily, where there is direct allegation that the accused inflicted the fatal blow, the Court would be slow in granting bail.

However, the law equally recognises that pre-trial detention cannot be punitive.

8. Article 21 of the Constitution of India guarantees to every individual the right to life and personal liberty. The Supreme Court has consistently held that the right to a speedy trial forms an integral part of Article 21. The object of keeping an accused in custody before conclusion of trial is to ensure that the trial proceeds effectively and the presence of the accused is secured. However, if the trial itself does not progress at a reasonable pace and the accused is made to languish in jail indefinitely, it would amount to denial of the constitutional guarantee of a speedy trial.

9. In the present case, the applicant has been in custody since 3rd March 2018, i.e. for more than seven years. The prosecution has cited 30 witnesses, but in all these years, only three witnesses have been examined. The pace of trial is painfully slow, and there is no reasonable prospect of its early conclusion. Thus, the applicant has already undergone a long period of incarceration without his guilt being determined.

10. While the seriousness of the offence is an important factor, it cannot be the sole ground for denial of bail when the right to a speedy trial under Article 21 is being frustrated. The Supreme Court in *Hussainara Khatoon v. State of Bihar* [(1980) 1 SCC 81], *Kadra Pahadiya v. State of Bihar* [(1981) 3 SCC 671], and more recently in *Union of India v. K.A. Najeeb* [(2021) 3 SCC 713] has recognised that prolonged incarceration and delay in trial are relevant considerations for granting bail, even in serious offences.

11. In this case, the material indicates that the incident occurred in a sudden quarrel, in the heat of passion, and there was no premeditation on part of the applicant. This aspect further tilts the balance in favour of granting bail.

12. Having regard to the overall facts and circumstances, this Court is of the opinion that the applicant has made out a case for his release on bail. Appropriate conditions can be imposed to secure his presence during the trial and to safeguard the prosecution's case.

13. 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. 80 of 2018 registered with Vanrai Police Station for offences punishable under Section 302 of IPC, 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 not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.
 - (b) The applicant shall report to the Vanrai Police Station twice a month, specifically on the 1st and 15th day of each month, between 10:00 a.m. and 12:00 noon, until further

orders.

(c) The applicant shall not leave the territorial jurisdiction of the State of Maharashtra without prior written permission of the Trial Court.

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

(e) The applicant shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(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.

(g) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

14. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)