

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.5450 OF 2024

Amar Laxman Wayal ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.170 OF 2025
IN

CRIMINAL BAIL APPLICATION NO.5450 OF 2024

Madhuri Sanjay Wayal ...Applicant

IN THE MATTER BETWEEN:

Amar Laxman Wayal ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Aniket Vagal a/w Ms. Savvy Kolhekar, for the Applicant.

Ms. R. S. Tendulkar, APP for the Respondent – State.

Mr. Samir Suryawanshi, for the Intervenor in IA/170/2025.

P. S. I. Mr. Dhanve, Manchar Police Station, Pune Rural, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 15th APRIL 2025

P.C.:

- 1.** Heard Mr. Vagal, learned Counsel for the Applicant, Mr. Suryawanshi, learned Counsel appearing for the Intervenor i.e. Complainant and Ms. Tendulkar, learned APP for the Respondent-State.
- 2.** This is a second Bail Application preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The first bail Application bearing Criminal Bail Application No.2991 of 2023 has been allowed to be withdrawn by Order dated 5th March 2024 as Court was not inclined to grant bail. By said Order dated 5th March 2024, liberty had been given

to the Applicant to file fresh Bail Application after a period of 10 months. Pursuant to the said liberty the present Bail Application is preferred.

3. The relevant details are as follows :-

1	C. R. No.	577 of 2021
2	Date of registration of F.I.R.	16.10.2021
3	Name of Police Station	Manchar Police Station, Pune
4	Section/s invoked	302, 120(B) of the I.P.C., 1860; 4, 25, 27 of Arms Act, 1959.
5	Date of incident	16.10.2021
6	Date of arrest	17.10.2021
7	Date of filing Charge-sheet	January 2022

4. Mr. Vagal, learned Counsel state that till date except framing of the charge there is no progress in the trial and therefore Applicant be released on bail on the ground of delay in conducting the trial. Mr. Vagal, submits that Accused No.1 – Bharat Janaku Wayal has been released on bail by a learned Single Judge by Order dated 31st January 2023. He further states that Accused No.2 – Laxman Janaku Wayal has been released on bail by this Court by Order dated 24th April 2024. He submits that the Applicant be granted bail for violation of the fundamental right of the Applicant of speedy trial.

5. On the other hand Ms. Tendulkar, learned APP and Mr. Suryawanshi, learned Counsel appearing for the Intervenor i.e. Complainant submits that there is one eye witness to the incident. The

Applicant is involved in the crime. Mr. Suryawanshi, states that there is delay in trial as the discharge Application filed by the Accused No.1 i.e. Bharat Janaku Wayal was pending.

6. As per the prosecution case, the deceased and Accused are related to each other and they are also staying in the adjoining houses. There is a dispute regarding ancestral land resulting in an enmity between these two families. Due to said enmity Accused No.1 – Bharat Janaku Wayal, Accused No.2 – Laxman Janaku Wayal and Accused No.3 – Amar Laxman Wayal (Present Applicant) committed murder of deceased Sanjay Shriram Wayal. The said Sanjay Shriram Wayal had made complaint regarding consturction made by Accused as unauthorized construction. As noted herein above by Order dated 5th March 2024, the first Bail Application filed by the Applicant has been allowed to be withdrawn and therefore it is very clear that no case is made out for granting bail on merits.

7. However, it is required to be noted that the incident in question took place on 16th October 2021. The FIR was registered on the same day i.e. on 16th October 2021 and the Applicant was arrested on 17th October 2021. Thus, the Applicant is incarcerated since 3 years and 6 months. Till date there is no progress in the trial except framing of the charge. As per the prosecution case there are total 23 witnesses are proposed to be examined by the prosecution. Accordingly, 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 Therefore, the Applicant is entitled for bail.

9. Accordingly, case is made out for grant of bail on the ground of delay in conducting the trial.

10. Mr. Vagal, learned Counsel for the Applicant after taking instructions states that as several witnesses are from Taluka– Ambegaon District–Pune, the Applicant will therefore not enter Taluka–Ambegaon, District–Pune and that the Applicant will reside at C/o Sachin Suresh Landge, 05 Ranveer Krida Mandal, Bhatwadi Bhat Chawl, Ghatkopar (West), Mumbai – 400 084.

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

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

13. In view thereof, the following order:-

ORDER

(a) The Applicant- Amar Laxman Wayal be released on bail in connection with C.R. No.577 of 2021 registered with the

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

Manchar Police Station, District – Pune on his furnishing PR. Bond of Rs.50,000 /- with one or two local solvent 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 not enter Taluka - Ambegaon, District - Pune after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (d) The Applicant shall report to the Chirag Nagar Police Station, Ghatkopar (West) Mumbai once a week between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial. The Police Inspector of Chirag Nagar Police Station, Ghatkopar (West) Mumbai 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 witness 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.

14. The Bail Application is disposed of accordingly.

15. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.

16. As the Bail Application is disposed of nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]