

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4234 OF 2024

Aakash D. Bhondve

...Applicant

V/s.

The State of Maharashtra

...Respondent.

WITH

INTERIM APPLICATION NO. 854 of 2025

.....
Mr. Sudeep R. Pasbola, Sr. Advocate a/w. Adv.Mrunal Bhide,
Mr.Rajan Gurnani and Adv. R. Chaudhari i/b Mr. Kishan Chaudhari
for the Applicant.

Mr. Vinod Chate, APP for the Respondent/State.

Mr. Satyam Harshad Nimbalkar a/w. Mr. Harshwardhan Milind
Pawar and Mr. Yash Vishal Saxena for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 01.04.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.154 of 2020 registered at Dehuroad Police Station, Pimpri-Chinchwad, Pune for the offences punishable under Sections 302, 307, 504, 506 read with 34 of the Indian Penal Code and Section 4 read with 27 of the Arms Act.
3. The applicant is accused No.1 in the aforesaid crime. The deceased was the relative of the applicant. There was a dispute between the family of the applicant and the family of the

deceased on account of ancestral agricultural land. According to the prosecution, on account of the said dispute on the date of incident which took place on 11.3.2020, the present applicant and accused No.2, who is a real brother of the applicant, assaulted the deceased by iron pipe and stone and committed his murder

4. I have heard the learned senior counsel for the applicant, the learned APP for the respondent – State and the learned counsel for the intervenor/complainant.

5. Learned senior counsel for the applicant submits that the material on record do not suggest that the act was premeditated. It is submitted that the applicant is in jail for 5 years and the trial is still at the stage of framing of charge.

6. The learned senior counsel submits that the Hon'ble Supreme Court in ***Siddhant @ Sidharth Balu Taktode vs. The State of Maharashtra & Anr.***¹ has observed that if an accused is incarcerated for a period of approximately five years without even framing of charges, leave aside the right of speedy trial being affected, it would amount to imposing sentence without trial. It is submitted that the Hon'ble Supreme Court in ***Balwinder Singh vs. State of Punjab & Anr.***² has observed that an accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would

1 SLP (Cri.) No. 12939 of 2024 decided on 14.2.2025

2 SLP (Cri.) No. 8523/2024 decided on 09.09.2024

infringe the right of an accused guaranteed under Article 21 of the Constitution of India.

7. On the other hand, learned APP for the respondent/State and the learned counsel for the intervenor/complainant submit that this is the third application. It is submitted that first bail application was withdrawn as this Court was not inclined to release the applicant. It is submitted that second bail application was filed suppressing the fact of withdrawal of earlier bail application and therefore this Court by order dated 20.03.2023 refused to entertain the said application. It is submitted that the case is based on dying declaration so also there are eye-witnesses to the incident. It is submitted that considering the overall circumstances, the applicant may not be released on bail and at the most the trial be expedited.

8. I have perused the Dying Declaration. At the time of incident the deceased was watering the field. The accused came there and at that time they were armed with iron pipe. *Prima-facie*, the act therefore appears to be premeditated. This Court while rejecting the second bail application filed by the present applicant *inter alia* has observed thus:

"2) Apart from being no change in circumstance, the new counsel again appeared and pressed the present Bail Application through earlier counsel on record Ms. Gayatri Gokhale, without making disclosure about the order dated 04.08.2021.

Necessarily the Applicant who is trying to take chances with the Court, cannot be indulged at all."

9. Considering the overall facts and circumstances of the case, I am not inclined to entertain the present application. The Application is rejected. The trial Court shall, however, endeavour to conclude the trial as early as possible.

10. The Interim Application does not survive and the same stands disposed of.

[N.R.BORKAR, J.]